

DR. JOHN MILTON BERNHISEL  
UTAH'S FIRST DELEGATE TO CONGRESS

by

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A thesis submitted to the faculty of the  
University of Utah in partial fulfillment  
of the degree of Master of Science.

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1947



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## PREFACE

The initial work on this thesis was begun after consultation with Dr. L. H. Creer, Head, and Dr. G. Homer Durham of the Department of History and Political Science of the University of Utah. Since the author requested a subject of consequence both to the State of Utah and its founders the Mormon people, he was guided into research on Dr. John M. Bernhisel.

A happier choice could not have been made. Dr. Bernhisel played a vital role in the history of the Mormon Church from its earliest days. His close association with the Prophet Joseph Smith in the troublesome days at Nauvoo lends importance to this study. His work in Washington, as Utah's first Delegate to Congress over a period of ten controversial years, makes his life a prominent one in Utah History.

The author wishes to acknowledge his appreciation to Dr. Creer and Dr. Durham for their guidance to this most fascinating study. A special debt is owed to Dr. Gregory Crampton for encouragement, assistance and advice over a long period.

The great part of the research was, of necessity, carried on at the Mormon Church Historian's Office. The author received much aid and advice from Mr. A. William Lund, Assistant Church Historian, and Mr. Alvin Smith. Gratitude for their help is hereby expressed.

The Staff of the University of Utah Library was most helpful. Mr. L. H. Kirkpatrick, Librarian, and Miss Laura Jean Wheeler, Circulation Librarian, have rendered useful service throughout a long period.

To all of these individuals, and others unnamed, including my wife and parents, I express appreciation for assistance in completing a work, which but for them, would be undone.

Robert H. Sylvester

## CHAPTER I

### JOHN M. BERNHISEL'S EARLY LIFE

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### JOHN M. BERNHISEL'S EARLY LIFE

#### Utah's First Delegate to Congress

The early life of John M. Bernhisel is obscure. The record is clear that he was born at Blaine, Perry County Pennsylvania, June 23, 1799, on a farm owned by his father, and his grandfather before him.<sup>1</sup>

The record of Bernhisel's childhood is a blank. As far as the writer could ascertain, no personal diary was ever kept, and the information available gives a sketchy background for the man who was to play such a prominent role in Utah's legislative history.

Bernhisel spent his early life amid quiet farm scenes. His son said of him:<sup>2</sup> "his childhood days on the farm with his parents 'ran quiet as the brooks by which he sported,' far removed from the dissensions incident to the restless conditions that existed throughout the country at that eventful period of its history."

At the age of fourteen, as was the custom in frugal New England homes, John left to seek a man's work in the surrounding towns. Working at odd jobs, he finally came to Philadelphia where he decided to settle down.

Where he received his preliminary education is again obscure. He attended the subscription schools<sup>3</sup> of the time and must have

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1 Letter, Harry W. Lenig to the author. Data taken from J. M. Runk, Biographical Encyclopedia of Juniata Valley, Pennsylvania, 1033

2 Bernhisel, David M., "Dr. John M. Bernhisel; Utah's First Delegate to the National Congress," Utah Genealogical Magazine, III:173-177, July 17, 1912.

3 Hain, H. H., History of Perry County Pennsylvania, 732.

gained more than the average education of the period. A letter from Elliot H. Morse to the author indicates that Bernhisel matriculated at the University of Pennsylvania in 1825.<sup>4</sup> His classmates included men who were to be of some distinction in later years, Simon Cameron, Thaddeus Stevens, Colonel Thomas L. Kane and his brother Dr. Elisha K. Kane, the artic explorer. These men stood him in good stead in later years in the halls of Congress. Stevens on one occasion referred to him as the "handsomest man in America."<sup>5</sup> That he was a better than average student is proved by the fact that he was graduated with high honors, and was granted his M.D. degree in 1827. His dissertation was written on apoplexy.

It is learned also from the writings of his son, David M. Bernhisel, that the Doctor began his professional career in Philadelphia. He practiced there for some time, but later moved to New York where he continued to practice quite successfully.

After a number of years of practice, Bernhisel felt the need of a change to improve his health. He took a horseback journey to Missouri, spending considerable time there. He soon returned to New York and renewed old friendships. He was particularly close at this time to Thadeus Stephens.

It was while he was living in the state of New York that Dr. Bernhisel first heard of and indentified himself with the newly founded Mormon Church. He was to lend it in the course of his life his talents as physician, diplomat, legislator, and arbitrator.

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<sup>4</sup> Elliot H. Morse is Reference Librarian at the University of Pennsylvania, Philadelphia, Pa.

<sup>5</sup> Supra,1,n.1.

It is evident that Joseph Smith recognized his talents and resolved early to give him adequate responsibilities. This quotation from The Times and Seasons<sup>6</sup> is typical of many which show Dr. Bernhisel's early activities with the church.

The Branch of the Church of Jesus Christ of Latter-Day Saints, in the city of New York, having convened at the usual place of meeting on the 15th day of April, 1841 agreeably to previous appointment for the purpose of being more perfectly organized as a branch and for other purposes. Elder Geo. W. Harriss of Nauvoo being chairman and L. R. Foster, secretary, unanimously made choice of...John M. Bernhisel to be the Bishop.

That Dr. Bernhisel was contributing to the welfare of the church, in money as well as in time and talent, is evident from an excerpt that appeared in this same publication a year later.<sup>7</sup>

April 15, 1842.

Temple Funds

A certificate of deposit in the "Butchers and Drovers Bank" of New York, by Dr. John M. Bernhisel, in favor of the Trustee in Trust, has been received at the Recorder's Office and passed to the credit of the individuals named in the accompanying letter. Go, and do likewise.

Dr. Bernhisel left New York City and joined the main body of the Saints at Nauvoo, Illinois, in the early part of 1842. This move must have taken faith, for at this time the Bennett affair<sup>8</sup> was being aired and ugly rumors of immorality connected with the doctrine of polygamy were shaking the faith of many members.

There were no half way measure about Bernhisel, however. His admiration for the Prophet was as ardent as it was sincere. When

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<sup>6</sup> Times and Seasons, II, 499.

<sup>7</sup> Ibid, III, 782

<sup>8</sup> John C. Bennett had committed a number of immoral acts and ascribed them to the Prophet's teachings. He was denounced by the leaders of the Church and left Nauvoo. His book, "History of the Saints," written to expose Smith, failed.



Dr. Bernhisel first arrived in Nauvoo, he had been the guest of an old friend, a Mr. Schneider; Joseph Smith soon invited him to come and live with him at the Mansion House, there to be a part of his family. This was an honor Dr. Bernhisel was quick to accept. Dr. Bernhisel and Smith developed an intimate relationship, of which David M. Bernhisel, his son, is proud. He records in his biographical sketch an illustrating incident.<sup>9</sup>

Here they discoursed familiarly together. It is related of the Doctor that he invariably arose when Joseph Smith entered the room. On one occasion when he was gently reproved by Joseph Smith asked why he did so, he gracefully replied, "Because I love to honor the man whom God honors!"

The die was cast! Bernhisel had thrown his lot in with the Mormons of Nauvoo and henceforth would share the lot of that troubled religious center.

There is neither time nor space in this work for a detailed account of the turmoil in Nauvoo from 1842 to 1846, the year when it was abandoned. The story of the rise and development of Nauvoo from its marshy wasteland to a thriving city has been told and retold a hundred times, and in as many ways. I shall not attempt here what others have done before me. Dr. Bernhisel played a part in those events, however, and his life was colored by the dark days of tragedy he saw there.

As early as June 1843, he had occasion to give personal aid to the cause of his newly espoused religion. One of the several arrests of Joseph Smith occurred at Dixon, Illinois.<sup>10</sup> In the report of the

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<sup>9</sup> Supra, 1, n. 1.

<sup>10</sup> Roberts, Brigham H. (Editor), History of Joseph Smith the Prophet, by Himself, with an introduction and notes by B. H. Roberts, V, 488. (The letters and documents compiled in this 7 vol. set are invaluable. Since it has become widely known as "Documentary History of the Church," it will henceforth in this thesis be referred to as D.H.C. in reference footnotes.)

attempted rescue of the Prophet by Daniel M. Burbanks, Dr. Bernhisel is listed as "Surgeon" of the rescue party that boarded the "Maid of Iowa."<sup>11</sup> The trip up the river proved unnecessary, for the Prophet was released on a writ of habeas Corpus. Nevertheless, it is an indication of his willingness to let nothing stand in the way of his service to the Church.

Dr. Bernhisel continued to serve the Prophet, both as personal physician,<sup>12</sup> and as a member of his church. His duties were as numerous as they were varied. That his confidence was held by the Prophet is attested by the number of meetings which Dr. Bernhisel attended with Joseph Smith, acting either as secretary or member of some council.<sup>13</sup>

A Mormon in Nauvoo in these days had to more or less be "tried by fire" in order to be true to the Church. The cases of molestation against the Saints and slander against the name of the Prophet and the Church he had founded cited in the contemporary press were innumerable.

Nauvoo was then the largest city in Illinois. But for those who were isolated from it as the center of civic protection, life could be hazardous. Dr. Bernhisel was sometimes called in to dress wounds of those who had been molested by the frontier desperado.<sup>14</sup>

Last night, two ruffians, whose names are unknown, went to the house of Brother Richard Badham-- a farmer living on the prairie, robbed the house of \$4.50,

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<sup>11</sup> Ibid, 482.

<sup>12</sup> Ibid, 525.

<sup>13</sup> Ibid, VI, 39; 107.

<sup>14</sup> Ibid, 110.

threatened his life, stabbed him in the abdomen, when part of his caul gushed out. Dr. John M. Bernhisel dressed his wounds today and he thinks there is a prospect of his recovering.

Due to the unhappy events which had occurred in Missouri, the Mormons were determined to better their situation in their new home in Illinois. Because the Whigs and the Democrats were about evenly divided in number,<sup>15</sup> the Mormon vote could very nearly decide which political candidate would be elected. They attempted to use this factor to their advantage by playing one party against another. This only succeeded in the end in alienating both sides. It was, however, due to this unique situation that they were able to obtain the liberal charter for the city of Nauvoo <sup>which</sup> ~~the~~ incorporated the Nauvoo Legion, making it entirely independent of the military legion of the State and not subject to the command of any officer except the Governor himself, as Commander-in-chief."<sup>16</sup> As time went on, jealousy over the wide powers of this charter, together with the wielding of the balance of political power by the Mormon Prophet, led to opposition of more than a mild nature.

Dr. Bernhisel was present at the council which on April 18, 1844, excommunicated, for un-Christian-like conduct, Robert D. Foster, Wilson Law, William and Jane Law, of Nauvoo, and Howard Smith of Scott County, Illinois.<sup>17</sup> The result of this action was soon to be a swift and deadly boomerang to the Church leaders. Foster, the Laws, and Sylvester Emmons decided to establish a newspaper that would bring the "Plural Wives" doctrine of the Prophet out into the open and expose it to the world. They appropriately named their paper

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<sup>15</sup> Creer, L. H., Utah and the Nation, 15.

<sup>16</sup> Ibid, 16.

<sup>17</sup> D.H.C., VI, 341

The Expositor. As mayor of the city of Nauvoo, the Prophet simply ordered the police to confiscate the press. Contradictory stories as to the methods by which it was accomplished can be read in a score of volumes.<sup>18</sup> However it was done, the cry was against violation of freedom of the press and the rights of citizens. The opposition was quick to form into mob proportions, and a crisis was again at hand. Dr. Bernhisel wrote a letter to Governor Ford of Illinois, explaining the action of the Nauvoo City Council in confiscating the slanderous Expositor press. I think it is typical of his steadfast attitude toward the church. Some Mormon writers feel it is the outstanding tribute to the character of Joseph Smith.

Nauvoo, June 14th 1844

To His Excellency Governor Ford:

Sir: Though I have not the honor of a personal acquaintance with you, I take the liberty of stating to you that I arrived here from the city of New York about a year since, where I was engaged in the practice of medicine for many years; that General Smith's letter to you of this date has been read in my hearing; that the statement contained therein in relation to the proceedings of the municipal authorities for the removal of the press whence issued a scandalous sheet entitled the Nauvoo Expositor are correct, having been an eye-and-ear witness of them.

The whole affair was conducted by the city Marshal and his posse in the most quiet and orderly manner, without the least noise, riot or tumult; and when the nuisance was abated, they immediately retired and were dismissed.

Having been a boarder in General Smith's family for more than nine months, and having therefore had abundant opportunities of contemplating his character and observing his conduct, I have concluded to give you a few of my "impressions" of him.

General Joseph Smith is naturally a man of strong mental powers and is possessed of much energy and decision of character, great penetration, and a profound

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<sup>18</sup> Compare the "Expositor Affair," in Linn, W. A., Story of the Mormons, and in Smith, Joseph Fielding, Essentials in Church History.

knowledge of human nature. He is a man of calm judgment, enlarged views, and is eminently distinguished by his love of justice. He is kind and obliging, generous and benevolent, sociable and cheerful, and is possessed of a mind of contemplative and reflective character. He is honest, frank, fearless and independent and as free from dissimulation as any man to be found.

But it is in the gentle charities of domestic life, as the tender and affectionate husband and parent, the warm and sympathizing friend, that the prominent traits of his character are revealed, and his heart is felt to be keenly alive to the kindest and softest emotions of which human nature is susceptible; and I feel assured that his family and friends formed one of the greatest consolations to him while the vials of wrath were poured upon his head, while his footsteps were pursued by malice and envy, and reproach and slander were strewn in his path, as well as during numerous and cruel persecutions, and severe and protracted sufferings, in chains and loathsome prisons, for worshipping God according to the dictates of his own conscience.

He is a true lover of his country, and a bright and shining example of integrity and moral excellence in all the relations of life. As a religious teacher, as well as a man, he is greatly beloved by this people. It is almost superfluous to add that the numerous ridiculous and scandalous reports in circulation respecting him have not the least foundation in truth.

In haste, I have the honor to be your Excellency's most obedient and humble servant,

John M. Bernhisel.<sup>19</sup>

Thus even before the death of the Prophet, Bernhisel was using the prestige of his name and profession to calm the troubled waters of official and public circles. But the letters and affidavits which Joseph Smith sent to Governor Ford, attesting the legality of his action in regards to the "Expositor Affair" were to no avail. In the surround towns, rumor and counter rumor had raised public sentiment to a fever pitch. Meetings were held to give voice to public indignation. Warsaw, Hancock County, eighteen miles down the river from Nauvoo was one of the focal points for anti-Mormonism.

The Warsaw Signal was one of the most outspoken of the violent press attackers. It published the following account of a convention held by six counties:<sup>20</sup>

Resolved, that the time in our opinion, has arrived when the adherents of Smith as a body, should be driven from the surrounding settlements into Nauvoo; that the Prophet and his miscreant adherents should then be demanded at their hands, and, if not surrendered a war of extermination should be waged, to the entire destruction, if necessary, for our protection, of his adherents.

Dr. Bernhisel was keeping well to the fore in the activities of the time and apparently was circulating as an agent for the Prophet, gathering information which could be used against their enemies when the time arrived for a trial. He had been previously in very close contact with the Prophet,<sup>21</sup> riding with him in the early morning, and keeping in close touch with events in both camps. At Warsaw, a considerable body of men were mustered in as a posse comitatus to act against the Mormons. There had been rumors that the Nauvoo Legion might also make retaliatory moves against the non-Mormon opposition. Dr. Bernhisel appeared, together with John P. Green, to swear out an affidavit, to the illicit activities in the surrounding towns.

State of Illinois,  
County of Hancock

City of Nauvoo.

On the 20th of June, 1844, personally appeared before me, Aaron Johnson, a justice of the peace within and for said county, John P. Greene, Marshal of said city and John M. Bernhisel; and after being duly sworn, depose and say that a body of citizens in a mass meeting convened on the 13th instant at carthage, resolved to exterminate the Latter-day Saints of the said city of Nauvoo, and for

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20 Linn, W. A., op.cit., 297.

21 D.H.C., VI, 471

that purpose...bodies of armed are coming from the state of Missouri, and from the Territory of Iowa, and the cannon and ammunition are being transported from the state of Missouri to Illinois for the purpose of utterly exterminating the Latter-day Saints....

John P. Greene

John M. Bernhisel

Subscribed and sworn to before me  
this 20th day of June, 1844  
Aaron Johnson, J. P.<sup>22</sup>

Dr. Bernhisel, together with John Taylor, was sent with this affidavit, and a number of others<sup>23</sup> to Governor Ford. It proved to be of no avail, however, for Ford simply penned a letter which he sent back with Doctor Bernhisel asking that Joseph Smith deliver himself up to the militia. This letter contained the warning "You know the excitement of the public minds. Do not tempt it too far."<sup>24</sup> This did anything but allay the suspicions already formed in the minds of those in Nauvoo. Governor Ford's letter said further,<sup>25</sup>

...excitement is a matter which grows very fast upon men when assembled. The affair I much fear, may assume a revolutionary character, and the men may disregard the authority of their officers.

I tell you plainly that if no such submission is made as I have indicated, I will be obliged to call out the militia; and if a few thousand will not be sufficient, many thousands will be.

...If it should become necessary to have witnesses on the trials, I will see that such persons shall be duly summoned, and I will also guarantee the safety of all such persons as may thus be brought to this place from Nauvoo either for trial or as witnesses for the accused.

When this letter was read, together with the report of how the documentary evidence sent to Governor Ford had been received, there was little hope in Nauvoo for justice at his hands. John

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22 D.H.C. VI, 516.

23 Ibid., 517.

24 Ibid. VI, 533-537.

25 Idem.

Taylor's report of the interview which Dr. Bernhisel and he were given with Governor Ford left no doubt that the militia was in reality a mob made up of a number of the Prophet's mortal enemies.

After waiting the Governor's pleasure for some time, we had an audience--but such an audience! He was surrounded by some of the vilest and most unprincipled men in creation. Some of them had an appearance of respectability, but many of them lacked even that. Wilson, and I believe, William Law were there Foster, Frank and Chauncey Higbee...in all fifteen or twenty persons, most of whom were recreant to virtue, honor, integrity and everything that is considered honorable among men.

...We then stated to the Governor that, in accordance with his request, ...Joseph Smith had...sent us to him as a committee of conference; that we were acquainted with most of the circumstances that had transpired in and about Nauvoo lately, and were prepared to give him the information...

...He opened and read a number of the documents himself, and as he proceeded he was frequently interrupted by "That's a lie!" "That's a G--D-----d lie!" "That's a blasted lie!" ...

The associations of the Governor, the spirit that he manifested to compromise with these scoundrels, the length of time that he had kept us waiting, and his general deportment together with the infernal spirit that we saw exhibited by those whom he had admitted to his counsels made the prospect anything but promising.<sup>26</sup>

After receiving this report the Prophet appeared quite undecided as to what course to follow. In his last conference with Dr. Bernhisel, he decided to go to Washington and lay the matter before President Tyler.<sup>27</sup> Shortly after this, however, he changed his mind. Believing that all the mob really wanted was to lay hands on him and Hyrum, the Prophet decided to cross the river, and "go away to the west." With the sought for leader gone the agitation would cease. They consequently crossed the river on the night of the 2nd of June 1844. At about 9 a.m. the following day, Dr. Bernhisel crossed

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26 D.H.C.VI.,543

27 Ibid.,545.



the river to visit with the Prophet. He was accompanied by Reynolds Cahoon, and joined later by O. P. Rockwell. Cahoon, under instructions from the Prophet's wife, told the Prophet that many of his friends felt he was deserting them by going away now, and even accused him of cowardice--Lorenzo D. Wasson and Hiram Kimball made similar charges. Joseph then agreed to go back to Nauvoo and give himself up to the governor at Carthage. Here he made a statement that has become legendary among the Mormon people. "If my life is of no value to my friends it is of none to myself." He said to Hyrum, "If you go back I will go with you, but we shall be butchered."<sup>28</sup>

Governor Ford did not keep the promise of safety which he had made to Dr. Bernhisel and John Taylor, in behalf of the Prophet. Despite bail, which was legally paid, the Prophet, his brother Hyrum, and others were confined in Carthage jail. After spending the night in the jail, Joseph requested audience with the Governor. Dr. Bernhisel along with a number of others<sup>29</sup> was present at this meeting as a witness. As it turned out, however, it was simply another rehearsal of the Expositor charges, together with the charges of treason against Joseph for having called out the Nauvoo legion when it appeared the mob periled the city. The governor left after again pledging protection to the prisoners.

All during the 26th of June, Dr. Bernhisel acted as personal attache for the Prophet. Having made other trips to see what Governor Ford was doing in regards to the Prophet's safety, around 6 p.m. Dr. Bernhisel brought a letter from Ford to the Jailor.

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<sup>28</sup> D.H.C., VI., 550.

<sup>29</sup> Ibid., 576.

I would advise the jailor to keep the Messrs. Smith in the room in which I found them this morning, unless a closer confinement should be clearly necessary to prevent an escape.

Thomas Ford  
Governor and Cmdr.-in-Chief. 30

As far as can be ascertained this is the last personal service that Dr. Bernhisel performed for the Prophet Joseph Smith. There is no record of his visiting him on the day of the 27th of June, the day of the violent mob murder of the Prophet and his brother Hyrum.

Despite the determination of the Mormons to depend on legal redress for their wrongs, this was not the end of their difficulties. And far from dampening the ardor of the "Saints," the martyrdom gave them new incentive for fulfilling the law of the Church they had espoused.

As to the leadership of the church, though there was some dissension over rival claims, Brigham Young was chosen as the new Prophet. The choice was a fortunate one.

Prejudice against the Mormons continued. Any and almost every act of violence or depredation that occurred in the vicinity was attributed to the Mormon retaliations. "Nauvoo," so Bancroft asserts, "was denounced as a den of counterfeiters, cattle-thieves and assassins."<sup>31</sup> Citizens of surrounding towns, some of whom had been friendly before, as in Quincy, now demanded the Mormons' departure. Despite their tenacity of purpose toward the Church, which had seen them finally finish the Nauvoo Temple in 1845, they decided to abandon the city.

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<sup>30</sup> Ibid, 598.

<sup>31</sup> Bancroft, H. H., History of Utah, 208.

Until this time Dr. Bernhisel had maintained a firm resolve to remain a bachelor. Evidently under the teachings of Joseph Smith, and later of Brigham Young, he decided to give up the advantages of "Single Blessedness." In 1845, at the age of forty-six, Dr. Bernhisel married Julia Ann Haight (VanOrden). She was a widow, some forty years of age, and had a family of five children. It may as related here as elsewhere the further matrimonial extensions of the Doctor's life.

A granddaughter of Bernhisel's, Estelle Bernhisel Bell, made a duplicate copy of the biographical sketch written by David M. Bernhisel, under her own name. This copy which is filed with the Daughters of the Utah Pioneers has but few alterations from the original.<sup>32</sup> This sketch refers to the reasons for Bernhisel changing his marital status. "Doctor Bernhisel was a man of education and culture, naturally shy and retiring; he was a confirmed bachelor, in which condition he would probably have remained but for the teachings of Joseph Smith, who strenuously urged him to obey the law, which he did."<sup>33</sup>

There is no documentary proof that Joseph Smith ever made it a personal issue with Bernhisel to change his marital status, other than this word of his son. However, since the teachings of the Prophet during this period are explicit enough as regards the marriage problem, this assumption would certainly be safe enough.<sup>34</sup>

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<sup>32</sup> Supra., 1, n. 1.

<sup>33</sup> Idem.

<sup>34</sup> Section 132, of Doctrine and Covenants, contains the original revelation concerning plural marriage, and the eternal nature of the marriage vow.

Why Bernhisel waited until after the death of the Prophet, if it was he that indoctrinated him with the views of polygamy, is difficult to see. But that he did engage in polygamy is very clear. One child was born to this first union, under circumstances that will be referred to later. This woman was sealed to her first husband, according to the teachings of the Prophet. Bernhisel therefore married Elizabeth Barker, by whom he had nine children.<sup>35</sup> Faun Brodie asserts that he was also married to Melissa Lott.

Melissa never referred to the fact that in February, 1846 when she was officially sealed to Joseph Smith "for eternity," in the Nauvoo Temple, she was also sealed to John M. Bernhisel for "time."<sup>36</sup>

The Saints in their abandonment of Nauvoo were put to tremendous sacrifice of property. Farms and homes were sold to buy means of transportation across the plains. Bernhisel was in Nauvoo at the time of the "Exodus," supervising the activities necessary to transporting his two wives and his family across the river with the others. The first camp that was made on the Missouri River was called Winter Quarters. This site was just north of Omaha, where a town called Florence is now located. A good many of the Saints who had reached this stage of the journey, but did not feel sufficiently strong to continue until spring, "wintered" here. Such was the case with Bernhisel's family. It was here at Winter Quarters, under the trying circumstances of "trail life," that the Doctor's first son was born to his wife Julia (VanOrden). There is justifiable pride in the writing of Bernhisel's granddaughter,

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<sup>35</sup> Records are in the Genalogical Library, S.L.C.

<sup>36</sup> Brodie, Faun, M., No Man Knows My History, 459-460. Though the records for the first two of Bernhisel's marriages are recorded, the Melissa Lott Marriage is attested only by Mrs. Brodie, the Genalogical Library shows no record.

My grandfather with his family of two wives and six children shared with those beloved pioneers the trials and hardships. Many lived upon roots and berries, gathered from the mountains. Indians stole their provender and stampeded their cattle. Numerous were the expeditions taken against them before a final peace arrangement was effected.<sup>37</sup>

Bernhisel performed some further service to the Church before the trek began. It must be said that he transferred his allegiance to Brigham Young with as much ardor as he had formerly served Joseph Smith. In February, 1845, Dr. Bernhisel was appointed a traveling Bishop, to visit the churches (branches), and see how they were faring during the trying circumstances that followed the death of the Prophet.<sup>38</sup>

A letter Dr. Bernhisel wrote back to Brigham Young indicates the condition of the people, and also his adherence to the Mormon faith after accusations of apostacy had been brought against him.

Nauvoo, November 4th, 1846

President Brigham Young,

Dear Brother,

Just three weeks ago this morning I addressed a letter to you from on board the Steamboat Fortune, being then on the eve of my departure for the North, for the purpose of soliciting aid in behalf of the suffering saints, who had been driven from their hearths....Having visited Burlington, Bloomington, Davenport, Rock Island, Fulton City, Galena, and Dubuque, I returned...I succeeded in collecting in money, provisions and clothing, something over one hundred dollars. Many thought the Mormons had been harshly treated, yet the prejudice against them was deep and strong. Had I been soliciting relief for any other people under similar circumstances, I should have gotten a great deal more. Brother Heywood and I visited different encampments yesterday for the purpose of distributing to the most destitute, and we found some very destitute indeed--and quite a number afflicted with chills and fever.

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<sup>37</sup> Supra, 17.

<sup>38</sup> Journal History, Feb. 14, 1845, entry for that date, taken from Wm. Clayton's Journal, for that date.

<sup>39</sup> Original letter on file in Church Historians office.

I was a little surprised to learn that it was rumored in the camp of Israel that I was somewhat tinctured with Strangism,<sup>40</sup> for nothing could be further from the truth; on the contrary, I have been battling against it from the earliest dawn of its existence, and especially since the meeting in the Temple, which was addressed by Moses Smith last winter. The Governor is here with about eighty men, what the result of this movement will be, it is impossible to predict...

I am inclined to think that the reign of Strangism will soon come to an end. I have sent you a copy of Millers expose...I saw a brother who had then recently visited Vorhee, who informed me that only about one hundred and fifty persons attended a special conference which was held while he was there, but about double that number generally attended the meetings. He also stated that all was confusion there...

May God Protect your person,  
... J. M. Bernhisel.

Thus we see that Bernhisel was again a sort of roving ambassador. He solicited funds and kept the head of the church informed as to what the opposition camps were doing and how the isolated "branches" of the church were faring.

Dr. Bernhisel finally arrived in Utah in the Company of which Newell K. Whitney was captain, in the fall of 1848. The development of Great Salt Lake City was by that time well under way, despite the short time since the first wagons came into the valley.

Neff, in his History of Utah, quotes a letter of Parley P. Pratt from Salt Lake to his brother Orson in England, of September 5th, 1848.

Early in March the ground opened and we commenced plowing for spring crops. I plowed and planted about twenty acres of Indian corn, beans, mellons, etc. My corn planting was completed on the 15th of May; most of it has done extremely well. We have now had ears to boil for nearly a month, and my large Missouri corn is now (September 5th) in roasting ear. ...

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40 James J. Strang, was another of the claimants for the leadership of the church at the death of the Prophet. He led a colony at Vorhee, Wisconsin, and published there the Vorhee Herald advocating his doctrine, even sending out some missionaries.

There will probably be raised in this valley, this season, from ten to twenty thousand bushels of grain, over and above what will be consumed by the present inhabitants.

Pratt relates further, that the Saints on August 10th, 1848, under a large awning, celebrated the first harvest in the great basin. The feast consisted of food produced in the valley. "We had prayer and Thanksgiving, music and dancing, and firing of cannon, together with loud shouts of Hosanna to God and the Lamb."<sup>41</sup>

Despite the fact that Dr. Bernhisel was not among the initial group to enter the valley of the Great Salt Lake, he would again soon be to the fore in the activities of the people.

When the initial movements were begun for some sort of political recognition by the United States government, Bernhisel would again be prominent among those who were the leaders in "Zion."

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<sup>41</sup> Neff, A. L., History of Utah, 106.

## CHAPTER II

### THE STATE OF DESERET



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The vast lands of the western frontier formed an intricate problem that Congress hesitated to approach. The Treaty of Guadalupe-Hidalgo, February 2, 1848, with its new additions in territory, increased the complexity of the situation. The Californians were clamoring for recognition. Congress merely extended the revenue laws over the area and made San Francisco a port of entry. They had to be content with a military governor appointed by the War Department.

The Utah region was also left to its own devices. Congress was not completely inactive, however. On December 11, 1848, a resolution was introduced into the House of Representatives inquiring

...into the expediency of so dividing the territory of upper California as to organize and extend a district, territorial government, over that portion of said territory which includes the white settlements in the vicinity of Salt Lake.

This resolution was merely referred to a committee and on January 3, 1849, the report was such that the resolution was tabled.<sup>1</sup>

Though some compromise plans had been offered,<sup>2</sup> territorial government appeared to be the best solution. A memorial written by

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<sup>1</sup> Congressional Globe, XX, (1848-1849), 26, 147.

<sup>2</sup> Evan Greene, a Nephew of Brigham Young, had proposed organizing a judicial district in the valley under Brigadier General Bennet Riley. Riley was appointed head of the already existing civil government of California, a relic of Mexican rule.

Willard Richards was selected, from among several, to be presented to Congress, praying territorial acceptance. Dr. Bernhisel was a member of the committee that selected the Memorial to be used.

The petition was circulated and by March 27, 1849, it bore some 2,270 signatures.<sup>3</sup> This document, together with a mail of thirty-one letters, was carried by Dr. Bernhisel when he left Salt Lake City, May 3, 1849.

The memorial reminded Congress of the barriers of distance and geography that made government under any existing territory impossible. The bounds of the proposed unit were set forth in the memorial. The tremendous scope of territory included was such as to make Congress gasp, and then laugh at the Mormon audacity.<sup>4</sup>

Despite the efforts put forth to give an air of legitimacy to the memorial, it was doomed never to be presented. In a most interesting publication, Dale Morgan points out in "State of Deseret", Utah Historical Quarterly, VIII, that there is little exactness to Linn's assertion that Brigham Young wanted an independent state government, and not territorial rule under federal authorities.<sup>5</sup>

February 1, 1849, however, a notice of intention to hold a constitutional convention for organizing a territorial or state government was posted. Although notice had been published widely, for 'gentile' and Mormon alike, Brigham contemplated a tight hold

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<sup>3</sup> Journal History of the Church, March 27, 1849, entry for that date.

<sup>4</sup> See Creer, op.cit., 66-68, for detailed information on the bounds of the proposed State of Deseret.

<sup>5</sup> Morgan, Dale, "State of Deseret," Utah Historical Quarterly, VIII, 84-85.

on the political reins. On the day prior to the convention, actions were taken which would be quite independent of the planned convention.<sup>6</sup>

The council met in Heber C. Kimball's house at 9:30 a.m., and voted that the Marshall give notice to the people of the valley of the Great Salt Lake and vicinity, that a public meeting would be held at the meeting ground in the old Fort on Monday, the 12th day of March at 10 o'clock a.m., for the purpose of electing and appointing officers for the government of the people in the valley, until the petition of the people be granted by the United States for a Territorial Government.<sup>7</sup>

A later session accepted the proposal that names already approved be brought before the people for their ratification.<sup>8</sup>

The convention met, as planned, on March 5, 1849. Officers were chosen and a constitutional committee appointed. Dr. John M. Bernhisel was a member of this drafting committee. It took the committee a matter of three days to prepare the preamble and constitution. This rapid presentation might indicate that it had largely been prepared before. On the 10th of March, 1849, it was unanimously adopted by the convention.

Some critics of the Mormons have thought events such as are above described illustrate dominance of politics by the church. However, numerous authorities point out how absurd any other action would have been under the existing circumstances.<sup>9</sup>

The latter-Day Saints had a very complex organization, one that had governed them both religiously and politically since the foundation of the church (Nauvoo is a case in point). Why should

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<sup>6</sup> See Linn, op.cit., 428.

<sup>7</sup> Journal History, entry for March 4, 1849.

<sup>8</sup> Idem.

<sup>9</sup> See Creer, op.cit., 59, for a detailed account of the "Mormon theo-democracy."

the force of this political organization suddenly be dissipated? Surely not because of a change in geographical location and the infiltration of a few scattered travelers in the valley. The Church formed the moral as well as the economic foundation of society in the Great Basin area. As far as the members of the Church were concerned, its leaders were "inspired" equally in temporal, as in spiritual matters. To them it would have been deserting the "City of God" to choose gentile leaders for their future state government.

On the 5th of July, at a joint session of the two houses of the provisional government, Almon W. Babbitt was selected as their delegate to Congress.

Brigham Young wrote Orson Hyde at Kanesville indicating that he expected Bernhisel and Babbitt to co-operate in Washington in establishing a territorial government.<sup>10</sup> Some references in that letter were quoted by critics to the effect that Brigham wanted to sever all connections with the Federal Government and establish an independent State. It was simply a typical illustration of the constitutional theory prevalent in 1850.

We have completed our organization so far as to elect a delegate with whom we expect your cooperation in obtaining our admission as a sovereign and independent state into the union, upon an equal footing with the original states.<sup>11</sup>

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<sup>10</sup> Journal History, July 19, 1849, see also entry for April 12, 1849 concerning Bernhisel's mission to the east.

<sup>11</sup> See Waite, Mrs. C. V., The Mormon Prophet and His Harem, 22, as regards the "free and independent clause" of the constitution of Deseret. An evident misinterpretation.

It is interesting, after once noting later criticisms of Babbitt's character, to see Young's reasons for his selection as their Delegate to Congress.

That delegate is Almon W. Babbitt who is somewhat acquainted with many of the members of congress, especially on the other side of politics. (the Democrats) This may prove beneficial to our cause, but we principally rely upon you to pursue that course which is best calculated to give your influence with the present administration, our present object to accomplish.<sup>12</sup>

In regard to the Wilmot Proviso,<sup>13</sup> Slavery, etc., we wish you to leave that subject to the operations of time, circumstances and common law. You might safely say that we, as a people are averse to slavery, but that we wish not to meddle with the subject, but leave things to take their natural course.<sup>14</sup>

The members of the General Assembly adopted certain resolutions, which were to be sent to Dr. Bernhisel and Babbitt, instructing them to use their efforts to gain admission of Deseret into the Union as a State. This action was taken on September 14th, but the barriers of communication prevented them from knowing that two days before Congress had legally supplanted the "State of Deseret" with a Territorial Government. The details of what had actually happened in Washington were not to reach them until the following winter.

It is necessary now to pick up events following in the wake of Bernhisel, enroute to Washington. He carried with him a letter of introduction to Stephen A. Douglas. Douglas had proved to be

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<sup>12</sup> Journal History, July 19, 1849

<sup>13</sup> See Beller, Jack, "Negro Slaves in Utah", in Utah Historical Quarterly, II, 122-126.

<sup>14</sup> Journal History, July 19, 1849.

their friend in Illinois, and the Mormons hoped that now, as a Senator, he would prove of assistance once more. That letter read in part:<sup>15</sup>

Dr. Bernhisel visits Washington as the duly accredited delegate of the citizens of Great Salt Lake Valley, and is the bearer of their petition to the Congress for a Territorial Government in the Mountains, and any assistance or attention you shall render him will meet with a cheerful response in the hearts and acts of a grateful people, when opportunity shall offer....

We have recently understood that Judge Douglas (sic) presented a petition or bill, for the Territory of Nebraska, east of the mountains...in the event the boundaries of the two contemplated territories should come in collision, and your bill not yet passed, we solicit an interview with Doctor Bernhisel, when we have no doubt, you will arrive at an amicable adjustment, and be enable to rest upon a course that will enable each party to be useful to the other in the accomplishment of their objects.

Dale Morgan points out<sup>16</sup> the significance of Bernhisel's introduction as a representative of "the citizens of the Great Salt Lake Valley." It would appear from the general epistles, which were issued by the Church Authorities during early 1849, in which there is no mention of the constitutional Convention, that there was deliberate suppression of news regarding the State of Deseret in this period. Despite a General epistle of March 9th, mentioning the pending election of the 12th, it wasn't until July, 1849, when the organization was actually taking place that the facts were published.

As has been pointed out in earlier instances in this work, the Mormons were very much cognizant of public opinion. Especially so, since their days in Nauvoo. It may well be that the Church

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<sup>15</sup> Journal History, May 2, 1849, entry for that date, from a letter of the First Presidency to Stephen A. Douglas.

<sup>16</sup> Morgan, Op.Cit., 114.

feared adverse publicity would result from the news of a provisional government organized by them.

Dr. Bernhisel had been asked, among his other duties, to report on conditions of the Church in general through the east. St. Louis at this time had the largest branch of the church in the States, numbering some three to four thousand members. In a letter to President Young from Lockpoint, N.Y., giving the general news of the country, Bernhisel gives a report on Nauvoo, and the Prophet's wife, Emma, that is extremely interesting in light of past events there. Emma had elected to remain behind when the main body of the Saints went west. Joseph Smith's son would one day be President of "Re-Organized" Latter-Day Saint Church, composed of those who remained in Nauvoo. This group felt that the Presidency of the Church should remain in a Patriarchal order, passing from father to son. Bernhisel writes:<sup>17</sup>

Nauvoo presents a most gloomy and desolate appearance. The lots and streets, with a few exceptions, are overgrown with weeds and grass. Few of the houses, comparatively speaking, are inhabited; the remainder are in a state of desolation and utter ruin. Though the walls of Temple are standing, yet they are much cracked, especially the east one; and not a vestige of the beautiful font remains. There has been nothing done to rebuild it... The temple is enclosed with a rude fence, and is used as a sheepfold and cow-pen... The appearance of the adjacent country is in perfect keeping with that of the city.

Though Emma received me in the kindest, and entertained me in the most hospitable manner, yet she did not make a single inquiry in relation to the Valley, or the Church, or any of its members. She has become quite corpulent... Joseph has grown suprisingly, indeed so much so

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<sup>17</sup> Journal History, September 10, 1849, entry for that date, from a letter Bernhisel, to Young, entered in History of Brigham Young (Ms), September 10, 1849, 132.

that I did not recognize him. His little brothers have also grown rapidly. Emma has employed a teacher who is residing in the house, and is instructing the children. Joseph is studying English, French, and Latin. Julia, the adopted daughter of Emma, has been joined in the silken bands of wedlock to a reformed gambler of the name of Dixon, who keeps the Mansion. Mother Smith's health is very feeble, and in all human probability she will not survive another winter.

This then was the picture of Joseph's home and family a short five years after his death. The Church he founded proved strong in the principles he taught, though his wife and children did not.

Bernhisel finally arrived at Philadelphia on November 26, 1849. There, accompanied by Wilford Woodruff, he interviewed Colonel Thomas L. Kane. Kane had been previously, and would yet be one of the most steadfast friends of the Mormons. He offered the Mormon representatives wise political advice. In his opinion they should align with no set party. Further, since Polk had already indicated his desire to appoint non-Mormon officials, it would be detrimental to apply for territorial government. He also advised neutrality on the slavery issue.<sup>18</sup>

Kane felt sure of Polk's attitude for good reason. Brigham Young had written him on February 9th, 1848, asking him to draft a petition for territorial government in the Great Basin.<sup>19</sup> Kane and Young had a conversation near Council Bluffs on August 7, 1846, in which he had told Brigham that "Governor Boggs of Missouri, had been working against the Mormons in Washington; and asked the brethren whether they should like a territorial government. President Young replied that they should..." Two days later

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<sup>18</sup> Journal History, November 26, 1849, entry for that date from Wilford Woodruff's Journal entry same date.

<sup>19</sup> Utah Historical Quarterly, VIII, 114, n. 114, from an original letter in possession of L.D.S. Church Historians Office.



Brigham Young wrote a long letter to Polk on the subject proposing the bounds of the Territory. "Since Polk left office March 4, 1849, it becomes evident that an effort was made to secure a territorial government independent of and antedating local initiative in Deseret. It would seem that Kane's interview occurred in the winter of 1848-49, close to the end of Polk's term but early enough for Polk still to possess considerable influence."<sup>20</sup>

It has been thought, by some authors, that his conversation with Kane was the motive behind the change of policy in regards to a territorial form of government. Roberts thinks the letter of instruction <sup>21</sup> written Babbitt and Bernhisel the following September was a direct result.

It is a matter of conjecture whehter or not Bernhisel knew of Babbitt's journey East at the time of the Kane conversations. It is, however, presumed by most authorities that he was aware of the fact that Babbitt was coming with a petition for statehood.

Unquestionably, it was Dr. Bernhisel, not Babbitt who did the spade work and took the initiative in the Washington negotiations. This, despite the fact that legally Babbitt, as an elected delegate of a provisional state, had a more official status than his own. Bernhisel had simply acted as messenger, with a memorial that was never presented. This was caustically emphasized when he applied for compensation of salary from Congress. <sup>22</sup> Mr. Root became very sarcastic:

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<sup>20</sup> Idem.

<sup>21</sup> Supra.,28,n.14.

<sup>22</sup> Congressional Globe, XXIII, (1850-1851),447.

Why sir, of all the claims or demands which have ever been presented here, this application of Dr. Bernhisel is the most modest I ever heard of. What are the services he has rendered? Why, he brought here a memorial from the people in the Territory of Deseret. Now, where is that Territory? Where was it? I believe it included a considerable part of Oregon, a considerable part of California, the whole of Utah, and a part of New Mexico, and yet a proposition has been gravely presented to pay Dr. Bernhisel for bringing in the tail end of a memorial from that Territory. We have already paid one man from that Territory, although this House decided he had no business here. If Mr. Babbitt had no business here, surely Dr. Bernhisel had not.<sup>23</sup>

From the contemporary commentary on Babbitt's work in Washington, it would appear that he was more of a detriment than a benefit to the Mormon cause. Babbitt had been selected because it was thought his previous political experience would prove advantageous. It becomes evident in the ensuing months that personal integrity would prove a more valuable asset. Of this latter quality Dr. Bernhisel had an abundance.

Colonel Thomas L. Kane wrote a letter to Brigham Young on September 24, 1850, indicating his belief that their representative Babbitt had jeopardized the Mormon's position and advising that he not be returned. His comment on Bernhisel, on the other hand, was quite complimentary.<sup>24</sup>

I have had ample time and opportunity to prove his worth. Without any previous preparation for political life, and aided only by his own modest good sense and careful preparation to do right, Dr. Bernhisel has shown himself the equal of every occasion that has offered, while the uniformly upright deportment and

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<sup>23</sup> Idem.

<sup>24</sup> Journal History, September 24, 1850, entry for that date; from a letter Colonel Kane to Brigham Young of that same date.

gentlemanly demeanor that earned for him his personal influence were an encomium upon the principles he on no occasion hesitated to avow.

Bernhisel added a similar opinion of Babbitt in one of his reports to the First Presidency in Salt Lake City.<sup>25</sup>

The Senators in Congress could not comprehend how we (the people in Great Salt Lake Valley) could select such an immoral man as Babbitt for our delegate.

Dr. Bernhisel had reached Washington on the last of November, where he registered at the National Hotel. His comment on this "The center of Politics, fashion and folly." Bernhisel carried letters of introduction to Washington dignitaries given him by friends in New York. He writes of his meeting with these individuals in a letter the First Presidency of the Church in Salt Lake City.

I met General (Lewis) Cass, at his invitation, in the Senate chamber on the first day of the session, and was introduced to the Vice-President, Millard Fillmore, Mr. John C. Calhoun, and a number of other senators. The Vice-President kindly granted me the privilege of the floor of the Senate during my sojourn in Washington. On the same day I was also admitted to the privileged seats on the floor of the House of Representatives..

...Since my arrival here I have been quite busy among the grave Senators, the impulsive Representatives of the people, and other functionaires. I took high ground and did not experience any difficulty in making the acquaintance of all the leading men in both houses of Congress, and that of a host of other members, though not particularly distinguished, yet...influential. I conversed freely with all of them, explained matters to them and answered objections.<sup>26</sup>

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<sup>25</sup> Journal History (John M. Bernhisel in a letter to First Presidency), July 19, 1851.

<sup>26</sup> Letter, Bernhisel to First Presidency, in Journal History, entry for March 31, 1850.

Stephen A. Douglas presented the memorial to the Senate.

Admission of Deseret was asked either as a State or as a Territorial Government, but leaving Congress to make the decision as to which form. Douglas moved that the memorial be referred to the committee on Territories, which was done on January 22,<sup>27</sup> presentation in the House occurred on January 3,<sup>28</sup> and on January 28th, the petition requesting the seating of Babbitt was referred to the Committee on Elections.<sup>29</sup> This committee decided, and their report was adopted by a vote of 108 to 77, that "it is inexpedient to admit Almon W. Babbitt, esq., to a seat in this body as a delegate to the alleged "State of Deseret." Thus recognition was denied the proposed "State of Deseret."<sup>30</sup>

An interesting incident, which will illustrate the value of Bernhisel's work in Washington, is the so-called "Smith-Sheen Memorials."<sup>31</sup> This memorial from William Smith, brother of Joseph and Isaac Sheen, alleged that the Mormons prior to their emigration from Nauvoo, had vowed perpetual hostility to the United States. This, followed by a second memorial from the same parties shortly after, created according to Dr. Bernhisel, "quite a sensation in both Wings of the Capitol."<sup>32</sup>

The Doctor feeling it his especial duty and privilege to disabuse the minds of members of Congress, called upon them in relation to the memorial, and thereby had many opportunities of setting before them the history and belief of the Saints. In his interviews with Senator Underwood

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27 Congressional Globe, XXI, (1849-1850), 211-212.

28 Ibid., 94.

29 Ibid., 229.

30 Bancroft, Hubert H., History of Utah, 452.

31 Congressional Globe, XXI, (1849-1850), 92.

32 Journal History, April 1, 1850, entry for that date.

(who had presented the Smith-Sheen memorials) he reruted the charge made as to the loyalty of our people, their refusal to obey the laws of the United States etc.

Bernhisel was a most sensitive barometer to the pressures of public opinion. He records in his letters how favorable reports from California immigrants who had passed through Deseret seemed to act as an escape valve to the high-pressured public.

One of his letters reads,<sup>33</sup>

Let me entreat and implore you and our friends in the valley to continue to treat the California immigrants and others with the same degree of kindness and hospitality with which you and they treated them last year. The many flattering letters they wrote to their friends and the press, exerted a most salutary influence on the public mind.

Bernhisel discovered that Truman Smith and Stephen A. Douglas both had similar plans for legalizing the present form of government in Deseret. Smith's plan, "to introduce a bill about half as long as his little finger into the General Appropriation Bill, appropriating a sum of money to be placed into the hands of the President to pay the present officers of Deseret." This would have legalized the government of operation in Utah. (Bernhisel was quite aware of the effect a Territorial Government would have in bringing in Federal 'Political' appointees. He wrote the First Presidency voicing this fear:

... I am thoroughly convinced from my knowledge of the views and feelings of the President and his cabinet, that they would not nominate the present officers or any persons that we should select, and if they did the Senate would not confirm them. There is already a number of hungry office hunters waiting for the office of the Territories,

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<sup>33</sup> Letter of Bernhisel, quoted in Utah Historical Quarterly, VIII, 118,n.122.

if they should be organized. I feel entirely unwilling to run the risk of having a set of whipper-snappers or broken-down politicians to tyrannize over us, and 'make a man offender for a word', by accepting an ordinary territorial government...for I have every reason to apprehend that we should be constantly brought into collision with the Central Government, and be constantly in difficulties with them. My humble opinion is that if we cannot get such a form of government as will enable us to choose our own officers, that we had better continue our provisional government, and enjoy peace and quiet until our population is sufficiently large to entitle us to admission into the Union as a state.<sup>34</sup>

In this same letter we also learn that Bernhisel was endeavoring to stay in line with the wishes of the authorities of the Church. He asks for advice; if territorial government is offered of an ordinary nature, should he accept it. Bernhisel continued his poll of Congressional opinion with constant interviews, even inquiring of Douglas what the effect would be of withdrawing all present petitions. Douglas replied that Congress would undoubtedly take action in organizing a territory anyway. Bernhisel could easily have been echoing the opinion of Douglas in his letters as regarding the advocacy of territorial status. Douglas had expressed the opinion that the provisional government of Deseret was entirely legal. Lewis Cass openly declared his opinion that the Mormons could handle a state organization as well as any of the others. William H. Seward and Salmon P. Chase disapproved of the constitution because of its silence on the slavery issue. Douglas also advised Bernhisel to curtail the boundaries of Deseret to prevent the possibility of too many non-Mormons moving in and causing factional collision.

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<sup>34</sup> Letter, John M. Bernhisel, to the First Presidency, Journal History, entry for March 5, 1850

When Douglas, as Chairman of the committee on Territories, reported, the bounds of the proposed Territory of Utah (the name was changed in this report) had been somewhat altered. Doctor Bernhisel wrote to Brigham Young concerning these changes.<sup>35</sup>

Our limits have been greatly reduced by the committee. The State of California forms the western boundary, Oregon the Northern, and the ridge which divides the waters which flow into the Great Basin from those which flow into the Gulf of California, the Southern and Eastern. They have also substituted the name Utah for Deseret; in other respects it is almost identical with the act establishing Minnesota. It is not probable that this bill pass in its present shape, and I still entertain hope that they will give us the whole of the territory, with the limits of California when she is admitted...

If Congress grant us but an ordinary territorial government...I shall use my best endeavors to have the officers of the provisional government appointed to the offices of the Territorial.

While Bernhisel put forth every effort to accomplish desirable gains for the people he represented, Babbitt was visiting in Nauvoo and Council Bluffs.

The innate political discretion of Bernhisel, coupled with an abundance of common sense, is admirably illustrated by the question of boundaries we have been discussing. In regards to their settlement he wrote to President Young at Salt Lake City:<sup>36</sup>

So thoroughly was I convinced that not one inch beyond the limits which were finally conceded to us could be obtained, that I did not then express a desire for any more, though I had at an early period of the session earnestly contended for the whole Territory embraced within the limits described in the preamble of the Constitution of Deseret. But if I had...insisted...the Territorial confines would have been limited to the outlines of the Great Basin.

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<sup>35</sup> Letter, Bernhisel to Young, Journal History, entry for March 27, 1850.

<sup>36</sup> Letter, Bernhisel to Young, Journal History, entry for March 27, 1850.

Bernhisel concludes the letter, after discussing his efforts to prevent further separation of the Territory, with a significant comment on the general knowledge of the Congress on Western Geography.<sup>37</sup>

The ignorance of the collected wisdom of the nation in regard to our region of country is most profound.

The slavery issue, undoubtedly, was the paramount factor in the heated controversy over Territorial organization.<sup>38</sup> Bernhisel was not, by any means, unaware of the seat of agitation. With regards to the slavery question he writes:

The great and grave question of slavery which now agitates the country and which I believe with all the conviction my mind is capable of entertaining will never be settled and will sooner or later shake this union to its center; and as revolutions never roll backward, may break it into as many fragments as there are states composing it, has been the standing topic of discussion in both wings of the capitol since the commencement of the session, and is likely to be during the remainder of it. It was brought to bear upon the election of the Speaker, and since then in some shape or form upon almost all subjects of legislation, though these have been like Angels visits, 'few and far between'."<sup>39</sup>

The remainder of the letter contains an interesting account of the Omnibus Bill and ends with the discouraging view that congressional action on the territories is uncertain.

Both Babbitt<sup>40</sup> and Bernhisel<sup>41</sup> had written commentaries on President Taylor's antagonism toward the Mormons. Surely it must have appeared to the anxious Saints that another instance of

37 Ibid., entry for September 7, 1850.

38 Creer, op.cit., 84086 has the best discussion available, on the slavery question, as it touches Utah.

39 Letter, Bernhisel to Young, Journal History, entry for March 21, 1850.

40 Ibid., entry for July 7, 1850.

41 Ibid., entry for March 21, 1850, this letter contains the reports of Presidential interview.



of divine intervention had occurred when it was learned that on July 9, Zachary Taylor had died, and that the Presidency would fall to Millard Fillmore. Fillmore had become very friendly to the Mormon cause, largely through the untiring efforts of Dr. Bernhisel.

Before departing from the slavery issue, one more remark in regard to Bernhisel's cogent reports from Washington on the issue as it affected Deseret. Bernhisel wrote that had the northern element any idea that there were "half a dozen slaves in Utah," or that slavery would ever be tolerated in it, "they would not have granted us a Territorial organization nor can our territory every be admitted as a State into the Union unless our constitution contains a clause prohibiting the introduction of slavery."<sup>42</sup>

Despite the fact that the governmental status of the Great Basin was now legally fixed, Dr. Bernhisel was yet to offer additional valuable service to the people whom he represented. From the beginning of his term he had endeavored to secure as wide a margin of self government as was possible. In keeping with this goal, he arranged an interview with President Fillmore. He later wrote to Brigham Young in Salt Lake City to apprise him of his appointment as Governor of the new Territorial Government.

He is quite favorably disposed, and I entertain but little doubt of your appointment. He inquired whether you would support the administration if you should be appointed. I replied that I thought you would. The

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<sup>42</sup> Letter, Bernhisel to Young, Journal History, entry for November 9, 1850. See also Utah Historical Quarterly, II, 122-126, Beller, op.cit., on Slavery in Utah; an interesting account.

names of the following gentleman have been presented: Brigham Young for Governor, Willard Richards for Secretary of the Territory, Zerubable Snow of Ohio, for Chief Justice, Daniel F. Miller, Iowa, for one of the Associate Justices, Joseph L. Heywood for Marshall. The names of the other associate Justices, and of the United States attorney I will give you in my next. I have strong hopes that the whole ticket will be appointed. The President has requested my views in writing of the gentleman whose names I presented to him for officers. I shall comply with his request tomorrow." 48

The list of names which Bernhisel submitted to Fillmore on September 16, 1850, added the names of Heber C. Kimball and Newel Whitney as associate Justices, and Seth M. Blair as Attorney, his recommendations stating in part,

The people of Utah cannot but consider it their right, as American citizens, to be governed by men of their own choice entitled to their confidence, and united with them in opinion and feeling; but the undersigned will add that for especial and important reasons which grow out of the peculiar circumstances of the community of Deseret and its government, the people are prepared to esteem as a high favor the nomination by the President of the entire list of officers above submitted, as it stands, and will not fail to evince that they remember it with gratitude.<sup>44</sup>

The high hopes which Bernhisel had indicated in regards to appointment of the complete list were dampened to some degree when Fillmore's list was confirmed by the Senate on September 30th. Some of the suggested names, however, were approved, <sup>45</sup> Brigham Young, Governor; Seth M. Blair, United States Attorney; Joseph L. Heywood, United States Marshall; Zerubbable Snow, Associate Justice; making a total of four out of seven appointments that were Mormons. Bernhisel was wise enough to acknowledge that they had

<sup>43</sup> Letter, Bernhisel to Young, Journal History, September 12, 1850, entry for that date.

<sup>44</sup> Letter Bernhisel to Young, Journal History, entry for September 16, 1850.

<sup>45</sup> See Creer, op.cit., 92, for a list of appointees of Fillmore, in full.

been liberally dealt with, in comparison to other Territories. This was especially true when the prejudicial issues involved are considered. Concerning the appointments Bernhisel wrote:<sup>46</sup>

I greatly regret that all the officers were not appointed from our number. Our best and truest friends here have expressed an anxious desire that we should get on peaceably and administer the government in such a manner as will reflect credit on ourselves as well as on those who aided in procuring the establishment of it... I am gratified to be able to inform you that the President has evinced the most liberal and friendly feelings toward our people.

Additional light is shed on the reflections that Bernhisel had, after the trying times were over, by a letter of a few weeks later.

It is a matter of deep regret that the whole of the officers from Utah were not appointed from among our number, but still the appointing power has been far more liberal to us than it has ever been to any other Territory, for all the officers in the Territories heretofore established were filled by citizens selected from the States."<sup>47</sup>

Thus Bernhisel's work as a 'delegate of the citizens of the Great Salt Lake Valley' in Washington came to a close. His pronounced modesty of the wide range of services he had rendered is indicated in his final letter concerning the Washington Scene.<sup>48</sup>

Congress adjourned at high noon on Monday, the 30th of September. Having accomplished the object of my mission, though not so satisfactorily in all respects as I could have desired, and having received the commissions (for the Territorial officials), I took my departure, on the 4th of October, from Washington, after having spent more than ten consecutive months amidst its exciting scenes.

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46 Letter, Bernhisel to Young, Journal History entry for October 2, 1850.

47 Ibid., entry for November 9, 1850.

48 Idem.

Though there had been advance news of the passage of the Utah bill, it was not until January 3, 1851, that the newspaper accounts on his appointment reached Brigham Young. On February 3, 1851, Daniel H. Wells, Chief Justice of the State of Deseret, administered the oath of office to the new Territorial Governor of Utah, Brigham Young.

There is no question but that Bernhisel had served his commission with keen insight and commendable diligence. Certainly without his work, the Saints in Deseret would have lost most of the advantages of the appointive power that were at present granted. Further, it is likely that the boundaries of the Territory may have been markedly reduced, but for his efforts, to say nothing of his efforts to assuage the forces of public opinion arrayed against the Mormons; these two accomplishments raised his name to prominence in Utah History.

Present historians are, however, recognizing the great part that Bernhisel played in the Washington developments of Territorial Status.<sup>49</sup>

Dr. Bernhisel had done a magnificent job; one must admire his pertinacity, urbanity, and intelligence. On December 29, 1850, Orson Hyde wrote Brigham Young concerning Utah's relative good fortune. "It is God working through the Whigs, I think, by the fervent prayers of his people and servants." Hyde might well have credited Dr. John M. Bernhisel.

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<sup>49</sup> Morgan, Dale, "State of Deseret", in Utah Historical Quarterly, VIII, 131, n. 145.

CHAPTER III

TERRITORIAL GOVERNMENT IN UTAH  
BERNHISEL'S FIRST YEARS IN  
WASHINGTON

42  
CHAPTER III

TERRITORIAL GOVERNMENT

IN UTAH

On August 4, 1851, Dr. John M. Bernhisel was elected as the first person to represent the Territory of Utah in the halls of Congress.<sup>1</sup> Certainly the Doctor had no idea what a long tenure of office his would be. Even more sure is it, that he had no idea what a stormy career it would be from the very beginning.

One of the few personal stories available concerning Bernhisel is related by Solomon F. Kimball, in the Improvement Era.

On the 4th day of August, 1851, Doctor John M. Bernhisel was elected to the 32nd Congress of the United States, he being the first man to represent Utah in the Legislative councils of the Nation. He was a highly polished gentleman of the Sandy Hill Pennsylvania type, and traditionally a Whig.

It fell to the lot of Eph. Hanks, Charley Decker, and George Clawson, the noted mail carriers of the West, to get Honorable John M. Bernhisel through to the Missouri River, so that he would reach Washington in time for the opening of Congress. Their outfit consisted of a light wagon, drawn by two mules, three pack animals loaded with Government Mail and two saddle horses. The Doctor discarded his broadcloth and at ten o'clock on the morning of August 9, 1851, a start for the National Capitol was made.

Everything went well, with them until they reached the upper crossing of North Platte. Here they found no ferryboat, but having brought four ten gallon kegs along in case of just such an emergency, they loaded everything into the wagon, ran it into the river, lashed a keg to each wheel and tied one end of a long rope to the wagon tongue; then with the other end, Eph. and Charley swam to the other side. In the meantime Clawson had gone with the animals taking the harness and saddles along with him. The scouts then hitched the team to the end of the rope and in this way the wagon was hauled over.

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1 See Appendix for photostates of Bernhisel's Election Certificates.

The next thing was to get Utah's first Congressman over--who was a poor swimmer. The scouts thought it too risky to take him over on the wagon, so adopted this plan: George and Charley with one end of the long rope, swam back to where the Doctor was, securely fastened the rope under his arms, then the three of them waded into the stream as far as possible, Eph. pulling in the slack rope, from the other side as fast as they advanced towards him. The swimming then began in earnest, Charley and George helping the Honorable gentleman of whose whig Political inclinations they were well aware, as much as possible. When they reached the main channel they became separated, and then it was every fellow for himself. As soon as the boys let go of the Doctor, he cried for help. Eph. taking in the situation and having the other end of the rope fastened to the horn of his saddle put spurs to his fiery steed, and for the next hundred feet, Honorable John M. more resembled a good-sized flutter wheel, with full head on, than a delegate to congress. After working over him for some time the company moved on.

Several days after reaching the Bluffs the Democratic mail carrier scouts were convulsed with laughter when they read in the FRONTIER GUARDIAN, the following communication from the Doctor.

Independence, Missouri  
September 28, 1851

Orson Hyde, Editor Frontier Guardian,

Dear Sir: I arrived here this afternoon in good health. Should you deem it worthy of notice, please say in the Guardian that I am neutral in politics. In haste, I am truly yours,

John M. Bernhisel<sup>2</sup>

Dr. Bernhisel was hardly well on his way to his new office when a series of events began that nearly undid all that had been accomplished. The officials for the newly created territory were not all Mormons. The Federal appointees began arriving as early as January, 1851, but were not all there until August. B. D. Harris, the new Secretary of the territory was somewhat disturbed because Brigham Young had called for a census and election of a Delegate

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2 Improvement Era, XV, 985-86.

to Congress, prior to his arrival. Perry E. Brocchus, the Associate Justice, was also much disturbed over this event. Reports have it that he planned on being elected to that office himself.<sup>3</sup>

Judge Brocchus gave full vent to his discontent when Brigham Young allowed him to speak at the Church's conference in September.

Brocchus had been commissioned to get a block of marble from Utah for the Washington Monument. In the course of a two hour harrangue he told the women of Utah they would have to improve their virtue and that of their daughters or the marble would as well be left there.<sup>4</sup>

The audience was, to say the least, in an uproar after the Brocchus speech. Brigham Young retaliated in a short and biting reply that left nothing to the imagination, of his opinion of Brocchus.<sup>5</sup> The final outcome was that Brocchus, Harris, Chief Justice Brandebury, and Indian agent, H. R. Day, decided to take the \$24,000 congressional appropriation for Territorial expenses and go back home.

This was the situation that was tossed in the lap of Utah's first congressional Delegate in 1851. The brilliant success he made of handling it is perhaps the outstanding piece of diplomacy of his entire career.

The group of "runaway" officials left a trail of stories behind them concerning Utah's affairs that was well nigh sensational. The report that was finally turned to the State Department covered

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3 Whitney, O. F., History of Utah, I, 461.

4 Ibid., 464.

5 Ibid., 496.



accusations of everything from treason to polygamy and left Washington circles in an uproar.

Historians generally agree that Bernhisel had the official ear of President Fillmore.<sup>6</sup> The letters which are on file between the two would certainly indicate that Fillmore gave much weight to the reports which Bernhisel made to him. Bernhisel had left Utah not many days before the Territorial officials, and hence his information was almost "eye-witness" to the total affair.

Reports, however, of the scandle had got into print in Washington papers, and Bernhisel felt that some action had to be taken. Although he had little to work with save these public reports, Bernhisel wrote a letter to the President in refutation of the stories which had already somewhat blackened the name of his constituency. The letter, being the best contemporary account of what actually happened in the controversial affair of the "runaway" officials, is important enough to be quoted in some detail.<sup>7</sup>

From John M. Bernhisel, esq.,  
Delegate from Utah  
To the President of the United States,  
December 1, 1851

Sir: Agreeably to your request, I have the Honor to inform you that the news of the organization of the Territory of Utah was most gratefully received by its inhabitants. ...

The officers not residents of the Territory reached the scene of their duties a fortnight after, (the 4th of July celebration) on the 19th of July, with the exception of Judge Perry C. Brocchus.

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<sup>6</sup> Neff, A. L., History of Utah.175.

<sup>7</sup> Congressional Globe, XX, (Appendix) 85-90.

Bernhisel must have had extended conversations with these appointed officials. He relates in his letter,<sup>8</sup> how they were "respectfully and hospitably received." He says also that, though they (the officials) were pleased to discover the comforts the territory had to offer, that the "California" prices were beyond their salary. Dr. Bernhisel was chosen, by these officials, to bring a petition to the President asking a raise in salary to equal the high cost of living in Utah.<sup>9</sup> This would indicate that Bernhisel was telling the truth, and that things were peaceful in Utah until the arrival of Brocchus.

I left Utah Territory upon the 1st of September last. Up to that time the harmony and peace prevailing between the different officers of the Government and the people continued undisturbed. The only statements that I have seen to the contrary appear to be based on a letter enclosed, which has appeared in some of the public prints, purporting to have been written by a judicial officer (Brocchus) of the Government, and dating from Salt Lake City, September 20, 1851.

Probably the greatest handicap that Utah's delegate had to contend with was the great barrier of communication. Weeks, if not months, would elaps after controversial reports were made in Washington concerning the Mormons before he could get information from Salt Lake. This condition was apparent in the "Brocchus affair,"<sup>10</sup> but in this instance Bernhisel was fortunate in that he happened to be present at the meetings Brocchus referred to. The letter which Brocchus had written to the Washington press had made an issue of a purported speech of President Young's of July 24, 1851.

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8 Ibid., 85.

9 Idem.

10 Ibid., 86.

Young had supposedly said something derogatory to Zachary Taylor's memory, whom Brocchus revered. In refutation Bernhisel wrote:

At the occasion first named, the celebration of the 24th of July, the putative writer (if I may employ the expression) was not present. Judge Brocchus did not arrive in the territory till the 17th of August. But I was present. I had the privilege of listening to Governor Young's remarks attentively, and therefore Know that he made no reflections injurious to the public service or private character of the late lamented President Taylor... The writer's statement, therefore, is so far untrue.

Brocchus had also referred in his letter to the press to the occasion referred to earlier of the request for stone for the Washington Monument. This was a mistake on his part for Bernhisel's refutation was particularly biting on this score.<sup>11</sup>

The second "instance" (of Brocchus letter) ... also is open to correction... I do not remark upon this strange mode of springing an insult upon a public meeting, after its patience had been tried by a two hour oration, impolitic one would think, in a judicial officer desirous to keep the peace, or in an agent of the Washington monument Society wishing to obtain a tribute to the memory of the Father of his Country.

The press report which Brocchus had sent in made much ado over an allegation that Brigham Young had spoken bitterly of the "Mormon Battalion" incident.<sup>12</sup> He asserted that Brigham felt that the U.S. Government intended to bring about the destruction of the Mormon people by his Battalion request. According to Brocchus, the government had not made a request of the Mormon people for men to fight in the Mexican War but had simply taken them. To this assertion Bernhisel said:<sup>13</sup>

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11 Ibid., 87.

12 Ibid., 88.

13 Ibid., 89.

I again repeat, the writer of the preceeding extract was not present at the celebration to which he refers. There were some ten or twelve orators on that occasion, and the whole day was occupied by their speeches; but I heard no such language as I have quoted (referred to above) nor any other which could be construed into the slightest disrespect toward the government of the United States. All the officers of the Government who were then in the Territory dined with the Governor on that day. I am not aware that a single incident occurred to mar its gaiety and good fellowship.

The Government did not TAKE from us a battalion of men, but one of its most gallant officers made a call for volunteers, and Mr. Young said in reply: "You shall have your battalion at once if it has to be a class of our Elders." More than five hundred able-bodied men promptly responded to the call, leaving their wives and children on the plains, and five hundred teams without any drivers; and efficient service in the war with the Mexican republic.

The reports of the "run-away" officials turned into the State Department fill five double pages of the Congressional Globe for January 9th, 1852. Bernhisel had anxiously awaited the official reports to Washington, so that he might take more direct action in refutation of them. The Doctor wrote the President requesting information as to the date of the official reports were turned in to the State Department. That the President and Secretary of State were co-operating with him in this regard is shown by his letter of December 30, 1851, in which he first learned that the official reports were at the State Department.<sup>15</sup>

United States Hotel  
Washington, December 30, 1851

To the President of the United States:  
Sir: .... on Wednesday evening, the 24th inst. I received a note from the honorable Daniel Webster, Secretary of State, informing me that the charges of

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<sup>14</sup> Congressional Globe, XX, (Appendix), 85-90.

<sup>15</sup> Letter, Bernhisel to Fillmore, Journal History, December 30, 1851, entry that date.

the returned officers...were on file in the Department of State. ...I cannot of course be expected now to make an elaborate reply (since, due to the Christmas holidays he had just received the material) to them. Nor, indeed, could I feel myself authorized under any circumstances to enter into, countenance, or admit any official discussion of either the religious faith or moral habits of the people of Utah. But as to so much of the charges of the late officers of that Territory, against the Government and council thereof, as can be a matter of public concern, I shall esteem it my duty at the earliest moment, to ask for them the closest scrutiny of a congressional committee; and in the meantime, I take prompt, unqualified and preemptory, negation of their truth.

With sentiments of great respect, I have the honor to be your obedient servant,

John M. Bernhisel  
Delegate from Utah

Jedeiah M. Grant then Mayor of Salt Lake City, was dispatched post-haste with a dossier of letters, affidavits and documentary evidence to disprove the allegations being made in Washington by the former officials. He co-operated admirably with Dr. Bernhisel. although unschooled in the ways of scholastic diplomacy, Grant lacked nothing in bravery and fiery willingness. The articles which he published in Washington papers together with Bernhisel's diplomacy soon brought about favorable public reaction to the Mormon cause. Neff, in his History of Utah, pays Dr. Bernhisel a compliment well deserved for his handling of this very troublesome affair.<sup>16</sup>

Events reveal that the Utah Delegate exercised to splendid advantage his natural talent for placating public sentiment, pouring oil on the troubled waters, discrediting and undermining the judges and their

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<sup>16</sup> Neff, A. L., History of Utah, 175-176.

accusations and successfully appeasing the wrath of the over credulous populace in matters pertaining to and derogatory of the people whom he represented in Congress... thus what been carefully designed for the undoing of the Mormondom of Utah reacted ultimately to its advantage and to the disadvantage of the conspirators whose resignations were accepted. So completely was the president won over that the names of three Mormon nominees, Heber C. Kimball, Orson Hyde, and Willard Richards were sent to the Senate as their successors in office.

Delegate Bernhisel had achieved a brilliant triumph and vindication for his constituents in restoring executive confidence in the Mormon regime...

Despite the fact that the President submitted the names of the Mormon nominees for the vacated federal offices in Utah, the Senate rejected them. This was primarily because the candidates were not sufficiently versed in the law for their positions.<sup>17</sup>

The Mormon authorities, in Salt Lake, as can well be imagined, were anxious to learn what was going on in Washington. Doctor Bernhisel wrote to Brigham Young under date of January 10th, 1852, informing him of the events just recorded. His letter reads in part:<sup>18</sup>

The report of fugitive officers had realized such a tempest during the latter part of autumn and the first month of the session of Congress, and caused the tide of public sentiment to act so strongly against us that at one time it threatened to prostrate everything before it. (In a subsequent communication, however, the Doctor stated that the returned officers had withdrawn their report for the purpose of making some alterations...and that he had protested in the House against alteration of an official document, and that he would hold that furnished the department of state to be the true copy of the indictment. ...)

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<sup>17</sup> Idem.

<sup>18</sup> Journal History, entry for March 25, 1852 taken from the original letter from Bernhisel.

The Doctor added that public sentiment was turning in our favor, and that the New York Herald's version of the report had caused much amusement, Chief Justice Brandebury had said he could not go anywhere without being laughed at.

This initial experience in Washington as a delegate, though eventually a triumph, came very nearly costing Dr. Bernhisel his seat in Congress. This is indicated as his letter continues.

Mr. Briggs of New York at the instance of the fugitive officers introduced a resolution into the House instructing the committees on elections to inquire whether delegate Bernhisel's election was held according to law, and whether any bribery, corruption, or other illegal means were made use of by said Bernhisel "with Brigham Young or any other persons to secure said election and return."

The day following, Doctor Bernhisel made a short speech on the subject and produced his certificate of election. A spirited debate ensued, the whole house, apparently with but two exceptions, were in favor of sustaining the Doctor. Mr. Briggs withdrew the resolution and informed the Doctor that he had been misled and that he should have nothing more to do with it; the Doctor added, "This proved to be a very fortunate move for our cause, and myself."<sup>19</sup>

There were others of the Mormon Church who were writing to the Headquarters of the Church concerning Dr. Bernhisel's activities. None but had praise for his work. Orson Pratt wrote concerning him:<sup>20</sup>

So far as I have information I verily believe that Brother J. M. Bernhisel has used his very best endeavors in behalf of Utah; he has been at his post, visiting the Committees and ingratiating himself into their good graces, and has, no doubt, obtained many favors in this way that would have been utterly denied had they been sought in a more public way. Brother Bernhisel is a man of integrity, and wisdom, and his name will be had in honorable remembrance among the Saints from generation to generation. —

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<sup>19</sup> Idem.

<sup>20</sup> Journal History, March 4, 1853, entry for that date, also in Deseret News, May 14, 1853.

Those who were appointed to fill the vacancies in the Territorial government, Justices Shaver and Reed, were quite satisfactory. They lived out their lives in the Territory and were well liked by the Mormons. Brigham Young wrote to Bernhisel in Washington on October 31, 1853,<sup>21</sup> voicing his approval:

Judges Reed and Shaver conduct themselves very gentlemanly thus far, appear frank and friendly in their deportment and are universally liked and respected in their Offices by the people, and I would prefer to have them remain if possible. (Some eight months later he wrote again to Bernhisel) If the Government officials are so badly off to get some person to come here as Judge suppose they reappoint the Hon. Leo. Shaver. He is still here and would like to remain, and if they cared anything about our preferences they would let him.

There were other events less spectacular than those we have just been relating occupying the time of Dr. Bernhisel. Among the many memorials which the Territorial legislature had sent to their Delegate was one petitioning Congress to establish a central railroad to the Great Basin.<sup>22</sup> The memorial did not attempt to advise as to the route the railroad should follow, except in very general form. However, it did point out "that not less than five thousand American citizens have perished on the different routes within the last three years, for the want of proper means of transportation." The memorial, of course, attempted to give voice to sufficient reasons for a railroad to induce Congress to act. Among the benefits the U. S. would gain, say the memorialists, is that of increased trade from the west coast.

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<sup>21</sup> Journal History, October 31, 1853, Letter from Young to Bernhisel; also entry, June 1853.

<sup>22</sup> A collection of "Acts Resolutions & Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah." published 1855, (in the Secretary of State Office) Salt Lake City, (1850-1855) 412(14).



Your memorialists are of the opinion that the mineral resources of California and these mountains can never be fully developed to the benefit of the people of the United States without the construction of such a road; and upon its completion the entire trade of China and the East Indies will pass through the heart of the Union, thereby giving our citizens the almost entire control of the Asiatic and Pacific trade, pouring into the lap of the American States the millions that are now diverted through other channels; and last though not least, the road therein proposed would be a perpetual chain or iron band which would effectually hold together our glorious Union, with an imperishable identity of mutual interest.<sup>23</sup>

Another Memorial that foretold the impending destruction of the self imposed isolation of the Mormon people is that petitioning for a Telegraph.<sup>24</sup> Whitney writes of the reception Bernhisel received when these Memorials were presented by him, especially for Railroads:<sup>25</sup>

Dr. Bernhisel, when submitting the...memorial to the American Congress, was smiled at and told that he was a hundred years ahead of the age. Nothing daunted, the Utah delegate humorously invited the nations legislators to ride over the road on its completion and come and visit him at Salt Lake City. Twenty years later some of them actually did so, but it is questionable if they would have had the privilege that early had not the people of Utah, by their legislature--then overwhelmingly Mormon--repeatedly petitioned Congress for the construction of the great railway, until finally it was authorized. X

Meanwhile another event transpired in the Great Salt Lake City that would make the Doctor's previous hurdles appear as mere child's-play. At a special session of the church conclave on August 29, 1852, Brigham Young made a public avowal of polygamy as a church doctrine. While the reports of such a practice had previously caused much difficulty, the Church had never officially

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<sup>23</sup> Idem.

<sup>24</sup> Ibid., 407(#9)

<sup>25</sup> Whitney, History of Utah, I, 534.

acknowledge it prior to this. Now, however, the official missionaries of the Church were to teach it as a principle of the "gospel" abroad as well as at Salt Lake City.

When the news of the action reached Washington, it became the sensation of the times. Delegate Bernhisel was faced again with the problems of diplomacy involved in quieting an outraged public. That Brigham Young had confidence in him and felt that he had previously done a good job and would continue to do so is evident from his writings. Appropriations had been fairly generous for the newly created Territory; among other things, a new Penitentiary was provided for.

Expenses for the execution of civil functions, prior to the organization of the Territory had been born by the Mormon Church. It is interesting, therefore, to see approximately what the costs of operation were in so far Washington appropriated funds to pay for them.<sup>26</sup>

#### Territory of Utah

For Salaries of Governor Superintendent of Indian Affairs, Three Judges and Secretary	\$9,700.00
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For contingent expenses of Said Territory	\$1,000.00
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For compensation & Mileage of the members of the Legislative assembly, Officers Clerks, and contingent expenses of the Assembly	20,000.00
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To enable the President to cause a site to be purchased, and a suitable building to be erected for a penitentiary in each of the Territories of Utah and New Mexico	<div style="border-top: 1px solid black; display: inline-block; width: 100%;">20,000.00</div>
	\$50,700.00

In speaking of the return of Dr. Bernhisel for his second term of office, it would be interesting to mention a word about the Territorial elections. When the Mormons arrived in the Great Basin, they adapted their religious organization to fit the needs of civil government. The heads of small localized church groups (wards) became administrators of justice, as well as of theological needs. This type of activity permeated every branch of life in the community. Religious meetings which were held on Sunday were often interrupted to give information about irrigation problems or other matters of civil concern.

This procedure, of combining religious and civil functions, was the only practical one under the circumstances. With long winters and short summers (comparitively) and with almost 100 per cent irrigation necessary for farming, unnecessary meetings would usurp valuable time. The business of staying alive on a harsh frontier brooked no dabbling in petty politics.

Since the re-election of Bernhisel provides a convenient dividing line in his Congressional career the problem of elections will be discussed in the following chapter.

CHAPTER IV

THE RETURN TO THE WASHINGTON

MERRY-GO-ROUND

## CHAPTER IV

### THE RETURN TO WASHINGTON

#### MERRY-GO-ROUND

The problem of acquiring exact information on elections during the 1850's in Utah poses a difficult problem for research. This author must admit that he was unable to throw a great deal of light on this problem. As to the elections of Dr. Bernhisel, some most interesting information was obtained. No general conclusions can be drawn, however, from this data, since complete documentary evidence is lacking.

When Dr. Bernhisel returned from Washington following his first term as delegate, Brigham Young was well satisfied with his work. Young records in his diary his satisfaction with Bernhisel's success in obtaining compensation for Willard Richards, whom he had appointed to fill the place of the departed, B. D. Harris.<sup>1</sup>

Shortly thereafter the Church was to meet in its regular semi-annual gathering. At this conference Dr. Bernhisel spoke to the congregation, giving his report of activities in Washington. There are, unfortunately, no records available as to what he said there. The words of Brigham Young, however, have been duly recorded. The occasion is so exemplary of the election system of this period and of the whole system of composite civic and church function in general that it must be quoted in some detail.

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1 History of Brigham Young (Ms) 1853, 75.

It came into my mind when Brother Bernhisel was speaking, and the same thing strikes me now, that is, inasmuch as he has done first-rate, as our delegate in Washington, to move that we send him again next season; though it is the Sabbath Day, I understand these things and say as other people say, "we are Mormons." We do things that are necessary to be done when the time comes for us to do them. If we wish to make political speeches, and it is necessary, for the best interest of the cause and kingdom of God, to make them on the Sabbath, we do it. Now suffer not your prejudices to hurt you, do not suffer this to try you, nor be tempted in consequence of it, nor think we are wandering out of the way, for it is all embraced in our religion, from first to last.

Brother Kimball has seconded the motion, that Doctor Bernhisel be sent back to Washington, as our Delegate. All who are in favor of it, raise your right hands (more than two thousand hands were at once seen above the heads of the Congregation.)

This has turned into a caucus meeting. It is all right. I would call for an opposite vote if I thought any person would vote. I will try it, however. (Not a single hand was raised in opposition.)

...inasmuch as we send Brother Bernhisel back to Washington, I say to him, fear not their face, nor their power, for we are perfectly prepared to take all the nations of the earth on our back; they are there already, and we will round up our shoulders and bear up the ponderous weight, and carry the gospel to the uttermost parts of the earth, gather Israel, redeem Zion, and continue our operations until we bind Satan, and the kingdoms of this world become the Kingdom of our Lord and His Christ; and no power can hinder it.<sup>2</sup>

Extended research at the State Capitol Archives revealed no record of the election of Bernhisel in 1853 other than that which is revealed in the above speech. However, when the Territorial Legislature met, it was duly recorded in the House Journal, that some 2,232 votes had been "poled" for Bernhisel, with only one dissenting vote.<sup>3</sup> How this particular number was arrived at is difficult to say. Probably, since a record of this election had

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2 History of Brigham Young (Ms) June 19, 1853.

3 Photostatic copies of the affidavits of Bernhisel's elections can be found filed in the appendix to this volume, together with the notarization of their source.

had to be filed in Washington, an arbitrary number was set, and the form filed in the orthodox, legal manner. This is only an assumption, for no documentary proof can be found to show an election or even mention of an opposing candidate. This may not have been the case in all the elections at which Dr. Bernhisel participated. The House Journal, Territory of Utah, under date of August 1, 1859, shows the returns of the one election at which Dr. Bernhisel was not returned to Washington between 1851 and 1861.

Returns of General Election  
For Delegate, August 1, 1859

Number of Votes received by  
Wm. H. Hooper.

Malad, Cache, and		Sanpete	824
Box Elder	233	Millard	122
Weber	425	(unintelligible)	193
Davis	551	G.S.L.	1318
Utah	838	Iron	222
Tooele	246	Washington	174
Juab	102		

There are no records of a tally for an opposition candidate at this election either. It is not known whether Bernhisel was "running" against Hooper for Delegate, or whether Hooper was simply the "Church" candidate in 1859. The latter is more likely the case and the tally shown is simply another "official" record for the books only.

If there had been an election held in the Valley of Salt Lake during this period of the orthodox variety, the results could not

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4 First election contest was February 7, 1867. See Durham, G. H., "Development of Political Parties in Utah," Utah Humanities Review, I, 131, April, 1947.

have been very different. The census of April, 1851,<sup>5</sup> shows a total of 11,354 persons in the Territory, and of this number some 6,155 were within the Great Salt Lake County. Certainly the percentage of non-Mormons would not have been high enough to offer very great opposition in his early period. To the members of the Church, when Brother Brigham endorsed a candidate, it was the same as divine sanction; further testing of the will of the people on that subject would be superfluous.

The public acknowledgement of polygamy, together with the uneasiness still felt over the "run-away" officials, left President Pierce undecided as to Brigham Young's re-appointment as Governor. Secretary Ferris was the only one of the new officials in the Territorial Government opposed to the Mormons. He and his wife spent much of their time in gathering material for anti-Mormon books they intended to publish as soon as they returned to the East.<sup>6</sup> Their reports, after their six months stay in Utah, added fuel to the fires of public pressure on the Pierce administration. At any rate the President decided not to re-appoint Brigham Young. As late as May 8, 1853, President Young did not know how things would be for him. In an address delivered in the Tabernacle, on the above date, he said; "I have not learned anything yet of any change touching the executive officer of this Territory, Brigham Young is still the Governor of Utah."<sup>7</sup>

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5 Whitney, History of Utah, I,457, has a reproduction of this census return.

6 Ibid., 507.

7 Journal History, May 8, 1853, entry for that date.



While the decision was still hanging fire in Washington another typical "Brighamite" statement was publicised broadly. Reportedly Brigham had said at a public gathering, "I am and will be governor, and no power can hinder it, until, the Lord Almighty says 'Brigham, you need not be governor any longer'." Though the statement was actually one of reassurance to a distraught people, it appeared almost treasonable to the easily shocked Easterners. Certainly the statement caused Dr. Bernhisel no end of trouble to "cover up" for Brigham Young.

While Dr. Bernhisel was at home in Salt Lake City, Brigham Young endeavored to explain the statement he had made at a public gathering.<sup>8</sup>

There is one statement which I have already made in this stand twice or thrice, but I will now make it again. It has been reported in the United States, that Brigham said that the President of the United States could not remove him from his office. I will repeat what I did say, as nearly as my memory will serve me. Exhorting the brethren and sister, I said, "Do not be alarmed, neither let your hearts sink within you, or be worried in the least with regard to a new Governor's coming to this Territory, for the Lord almighty will preserve your present Governor unto you as long as he pleases, and no power can hinder. And if it is his will to remove the present Governor, know ye that it will be for the best."

That is the spirit of what I said, if not the exact words; and I say so now.... When He (God) wishes another Governor here, the proper person will be on hand; until then, there is no power beneath the heavens that can simply remove the present Governor of Utah, much less the loyal people who inhabit these mountains.

President Pierce's appointee, Colonel E. J. Steptoe, arrived in Salt Lake City August 31, 1854, under orders for California.

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8 History of Brigham Young (Ms) 1855, 318-323.

Brigham's power as Governor of Utah seemed about to end. But Brigham Young spoke with more confidence now that the trying events were over and Colonel Steptoe had gone. Certainly Utah's delegate at Washington felt none of this inspiring confidence when he wrote to F. D. Richards telling of the appointment of Steptoe. Be it said to the credit of the Colonel that he certainly was not of the ilk of Brocchus and Brandebury. Though he could have stepped into the Governorship at any time after his arrival August 31, 1854, in Salt Lake, he waited and concurred with the populace in requesting Young's re-appointment. Bernhisel's letter prior to his (Steptoe) arrival, spoke well of him.<sup>9</sup>

I deeply regret to inform you that the president finally declined to re-appoint Governor Young to the office which he now holds. Lieut. Colonel Steptoe is the appointee.

The President seems quite friendly, and stated at a recent interview that he had received letters from Col. Steptoe and Chief Justice Kinney, speaking in high terms of the Governor and people of Utah, and added, among other things, that he desired to do that which was best for the government and people of Utah, and that if he did not appoint Governor Young, he would appoint no one but a man of the highest character, believing that it would be better for our people that such a one should be appointed, for he would do us justice, and speak well of us, which would do much towards removing the prejudice against us, but I still urged the re-appointment of Governor Young.

The President has no idea of interfering with the domestic relations of our Territory. His excellency spoke in the most exalted terms of Colonel Steptoe, saying that he was a gentleman and a scholar and the most amiable and just man he ever knew.

The colonel sustains a high character here and numbers among his friends the Hon. Secretary of War. Since Governor Young's reappointment could not be secured, which is a source of profound regret to us all, I know of no one who I suppose would be more acceptable than Col. Steptoe...

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<sup>9</sup> Letter, Bernhisel to F. D. Richards, in Millennial Star, XVII, 110.

The conclusion of the problem came when Colonel Steptoe went on with his troops to California, leaving Brigham Young still Governor. Though Steptoe's actions in signing the memorial for Governor Young's re-appointment were lauded, the actions of some of his men were not. Attempts to "lure" the Utah women into army barracks were deplored. Governor Young's re-appointment was a vindication of the Mormon's faith in the final justice of Divinity.

The Indian problem was another vexing issue on the Utah scene. One of the things Col. Steptoe had been sent to the Territory to accomplish was the apprehension of those guilty of Captain John W. Gunnison's murder.<sup>10</sup> The Mormon policy had, in general, been one of friendliness to the Indians. Brigham Young as Superintendent of Indian Affairs<sup>11</sup> had advised the settlers to feed the friendly Indians and not to kill them for petty stealing.<sup>12</sup> But the policy of passing emigrant trains on their way to California was not so humanitarian. One such group had wantonly killed some friendly Indians.<sup>13</sup> The Indians retaliated by attacking the first group of whites available. The group happened to be one in which Captain Gunnison was camped near Seveir Lake. There were other altercations with the Indians in the Utah Territory of a more extended duration. One such was the "Walker War" of 1853. Although the Ute Chief had some slight provocations<sup>14</sup>

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10 Whitney, op.cit., I, 539.

11 Brigham Young became Superintendent of Indian affairs automatically when he was appointed Governor of the Territory in 1851.

12 History of Brigham Young, (Ms) 1852, 51-52.

13 Whitney, op.cit., I, 522.

14 Whitney, op.cit., I, 508-529.

for beginning hostilities, certainly it would prove costly to both sides. Whitney estimates the settlers losses at \$200,000, besides an initial cost of \$70,000 to carry on the "War." Dr. Bernhisel had presented a Memorial<sup>15</sup> from the Territorial legislature asking compensation from the Federal Government for this expense. The inroads of the propoganda concerning polygamy are certainly apparent as one reads the records of Congress for this period. Poor Dr. Bernhisel! He could hardly ask the chair for permission to speak before ridicule and laughter greeted him because of the religious practices of his people.

Because of the reports that drifted back to Washington, there was some effort made to separate the office of Governor and that of Superintendent of Indian affairs. The records of this attempt are revealing, not only of the general attitude of Congress towards the Utah problem, but of the type of opposition which Dr. Bernhisel had to contend with on practically every issue that was raised.

Mr. Houston. The amendment proposes to separate the offices of Governor and Superintendent of Indian Affairs in the Territory of Utah. The Committee of Ways and Means have recommended a non-concurrence in the amendment of the Senate and....I confess that my judgment is for a concurrence with the Senate in the amendment....my opinions are formed that the fact the peculiar institutions which prevail in Utah are all of a character that should induce us to separate those important offices. I believe it to be the duty of the Government to take care of the Indians better than they will be taken care of by the Governor of Utah Territory.

I am opposed to separating the offices in the other territories, but I believe that in Utah it should be done.

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<sup>15</sup> Acts Resolutions and Memorials of the Legislative Assembly of the Territory of Utah; 404 (#4), 416 (#17); see also Congressional Globe, XXVI, (1852-1853), 125.

Mr. Chamberlin: Independent of the objection which should induce us to concur in the amendment of the Senate. The Governor of the Territory, who is now the Superintendent of Indian affairs, is openly hostile to the whole race of Indians. I hope the amendment...will be concurred in. Mr. Bernhisel: I hope the amendment of the Senate will be non-concurred in. The Governor of Utah has discharged his duties as Superintendent of Indian affairs in a very able manner. He is a father to the Indians (Roars of laughter). Since he has been Governor he has uniformly practiced kindness to the Indians. I hope that the house will non-concur in the amendment.<sup>16</sup>

Examples of this type are the dominant variety when reading of this period in the House debates. As will be pointed out in a later example, Bernhisel finally came to the conclusion that the best policy for him to follow was one of silence.

Though that particular amendment did not pass, its intent would, one day, be carried out. It was not until after the famous "Johnston Army" affair in 1858, that the office of Governor was eventually separated from that of Superintendent of Indian Affairs. When Governor A. E. Cummings came into the valley, he came only as governor, for Jacob Forney had been appointed as Superintendent of Indian affairs.

It was not until June 26, 1856, that Doctor Bernhisel was finally able to get a measure through for reimbursement of the Territorial expenses of the Walker War<sup>17</sup> in 1853. The amount applied for was not to exceed \$76,017.40, and was carefully itemized; one of the Representatives said of this:

He agreed that the accounts seemed reasonable, but appeared to be carefully worded so that other expenses might be included. In reply to this argument Dr. Bernhisel said:

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<sup>16</sup> Congressional Globe, XXVIII, (1853-1854) 1895.

<sup>17</sup> Congressional Globe, 34th Congress, (part II), 1497.

I would say, in reply to the gentleman from Mississippi (Mr. Quitman) that the troops were employed for no other purpose than for the suppression of Indian hostilities. The policy of the people and government of that Territory towards the Indians has been pacific and conciliatory. In 1853 the Indians committed depredations and the Militia were ordered out in the absence of the United States troops, and were kept in Service for some time, they acted entirely on the defensive and succeeded in their efforts to conciliate the Indians and to restore peace.

Mr. Grow. On motion of Mr. Grow, the bill was laid aside to be reported with a recommendation that it do pass.

When the Mormon people settled in the Valley of the Great Salt Lake, they were actually squatting on Mexican possessions. It was not until the treaty of Guadalupe-Hidalgo, February 2, 1848, that Utah became officially a part of U.S. The problem of acquiring legal title to this land by those who had already settled it proved one of the most vexing problems of the period.

Even getting a Surveyor General appointed to survey the lands in the new Territory proved to be a difficult ordeal for Dr. Bernhisel. As always polygamy was made an issue by which his every move for the Territory of Utah could be defeated.

Interwoven with polygamy in Utah was the whole issue of slavery on a national scale. Senators or Representatives from the North often defended Utah's moves because it was an interference (or vice-versa) with their vaunted "states rights" theories to let the Federal government intervene in internal problems of the states or territories.

An outstanding example of the way these two issues would one day be used as a platform by a political party as "the twin relics of barbarism, slavery-and polygamy"<sup>18</sup> is illustrated in a house

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<sup>18</sup> The "twin relic" platform was that of the Republican Party, but Stephen A. Douglas, came out for the Democrats in a speech of June 12, 1857, in a similar invective against the Mormons.

debate of May 4, 1854.

Surveyor General of Utah:

House Bill No. 317: Entitled "a bill to establish the office of Surveyor General of Utah, and to grant donations to actual settlers therein, and for other purposes. Mr. Seward (of Georgia) an attempt to ammend with "and provided further that this act shall not extend to any person who shall now, or at any time hereafter be the husband of more than one wife."

Mr. Davis: (of Rhode Island) I would as lief have Utah come into this Union with their defective institutions as to have a slave state come into it. I do not think that there is more evil in the one than in the other.

Mr. Cobb: (of Alabama) I will accordingly ask the gentleman from Utah whether this proviso will, in his opinion work any very considerable injustice or hardship to any considerable number of the inhabitants of the Territory of Utah?

Mr. Bernhisel: In answer to the question of the gentleman from Alabama, I will state that the proviso will work injury to a very considerable number of the inhabitants of the Territory of Utah. The more wives a man has, the more farms he needs to support them. (laughter)

Mr. Giddings: (of Ohio) ...from the commencement of the discussion upon the Nebraska question to this day, scarcely a Southern man has spoken who has not sneered at, condemned, and repudiated all attempts "to interfere with the domestic institution of our territories." They are now in favor of interfering with the domestic institution of marriage in Utah among the Mormons... I would deal out to the Mormon the same measure of justice and freedom that I would give to the citizens of Nebraska with their hundreds of concubines... Now Sir, when the Mormon marries he does it openly before the public. The act is lawfully registered; and when it has taken place the woman assumes and takes the same standing in society and in the community as her husband. He recognizes her as his lawful partner. His children are legitimate. They are educated; they are taught to understand the laws of the country, and its constitution. They may become useful members of the community... He does not sell his offspring to a slave dealer." 19

This particular debate continued for some ten pages of the Congressional Globe. Hot and bitter words were said on both sides,

but it eventually expired for lack of time. The land issue was brought repeatedly before the House with seemingly no progress at all. In February, the Speaker referred the bill to the House for debate with the recommendation that the enacting clause be stricken out. Immediately the same type of arguments began as have been illustrated above. One new issue was brought out, however, that is interesting enough to make brief consideration advisable. That the non-members of the Mormon Church who had settled in Salt Valley were also being deprived of their rights in land becomes obvious herein.<sup>20</sup>

Mr. Jones: (of Tennessee) I hope the House will non-concur with the Committee of the whole on the state of the Union, and thus mete out the same justice in regard to the survey of the public lands that we have extended to the other territories.

Mr. Keitt: I desire to ask the Chair whether this bill is not the inhabitants of Utah on the same footing as the inhabitants of the other Territories?

Mr. Bernhisel: Yes! Yes!

Mr. Peckham: Is it designed to encourage Polygamy? (cries of "No!" "No!" and "Order!")

Mr. Disney: Gentlemen must understand that the Territory of Utah is not populated by Mormons only. There are many residents and settlers in that Territory who are not believers in, or followers of, that faith. These people have some rights which should be protected, and all we ask is, that the Government shall extend its land system over the Territory.

Mr. Phelps: (and attempt to allow only those portions of the land law to apply that would grant the 16th and 36th sections for school purposes) was voted down by Mr. Bernhisel: (said he preferred to lose the whole bill than to see it modified and thus lose equal footing with the other territories.

David H. Burr, the first surveyor General for the Territory arrived in the valley July 27, 1855. Evidently the combined efforts of Dr. Bernhisel and the non-Mormon lobby were sufficient to

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20 Congressional Globe, XXVIII, (1853-1854) 1895.



accomplish that much. However, little was accomplished by this first survey. Reports of dishonesty in the expense accounts of the Land office were reported by Dr. Bernhisel after receiving the reports of their activities from Salt Lake by Brigham Young.<sup>21</sup> Burr's allegations, that the Saints in Salt Lake were deeding their lands over to the Church, caused quite a stir in Washington.<sup>22</sup> This was at the very beginning of the controversey that brought about the Utah War. Thus the Land Survey was again interrupted, not to be taken up again until 1867. For some twenty odd years then, the original settlers lived on and made improvements etc. upon lands to which they had no legal title. A situation surely without parallel in our history.

In a letter which Dr. Bernhisel wrote to F. D. Richards under date of August 8, 1854, an indication is given as to what progress he had made in getting appropriations from the Territory.<sup>23</sup>

President F. D. Richards:

My dear Sir: Not withstanding His satanic majesty raged and roared, the following bills have, with the blessing of God, passed both branches of the National Legislature, and having received the executive sanction, have become laws of the land.

A bill to refund to the Territory of Utah the expenses incurred in suppressing Indian Hostilities in the years 1850-1851	\$20,940.65
A bill to provide for the construction of a military road in Utah.	25,000.00
An Amendment to the civil and diplomatic bill to increase the Utah Library.	500.00
For general incidental expenses of the Indian service in the Territory of Utah during the year ending June 30, 1854.	10,000.00

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21 Neff, History of Utah, 679.

22 Idem.

23 Journal History, August 8, 1854, entry for that date.

For general incidental expenses of the Indian Service in the Territory of Utah during the year ending June 30, 1855	20,000.00
An amendment to the civil and diplomatic bill to pay the Code Commissioners.	2,428.10
For the expenses of negotiating treaties with, and making presents of goods and provisions to the Indians in the Territory of Utah.	45,000.00
To defray the expenses of the Territorial Government of Utah for the year ending June 30, 1855.	30,000.00
	<u>\$154,568.75</u>

Three or four new post routes have also been established in Utah. ...

I remain yours, ever truly,  
John M. Bernhisel

It would be hard for anyone to criticise Utah's delegate for the size of his appropriations, knowing the circumstances under which he labored. As has been shown in past examples, and as future cases will even more amply indicate, Utah's delegate was opposed at every turn. It didn't seem to matter much if he sought appropriations for Indian Affairs, Roads, librarys, or increase in officials' salaries. Polygamy was the club used by the opposition to defeat him.

Satisfaction with the calibre of the work Dr. Bernhisel was doing in Washington was evinced by all who made reference to it. That Brigham Young was well content to have him continue in that capacity is indicated by his address at June Conference in 1855.<sup>24</sup>

I can say freely that I am perfectly satisfied with the labors of Dr. Bernhisel in Washington; and I will further say for the satisfaction of the parties concerned, that I doubt very much whether we could find another man belonging to the Church of Jesus Christ of Latter Day Saints who could go to Washington and do as much for this

people, in the capacity of a representative as the one we have sent for the years past. Why do I doubt this? In the first place he is a man of sterling integrity, firm to his faith, punctual, industrious, fervent, and always on hand to do everything that can be done. Another reason is that but few of the talented men who belong to the Church could go to the seat of Government and endure the slang and misrepresentations which the Doctor has endured.

The Doctor is different from that class in this respect; he can endure their insults and abuses. It is true they have to be offered if at all, behind his back, for you cannot easily find a man who will abuse him to his face, as he is so kind in his manner, so gentlemanly in his appearance and so easy in his deportment, treating everybody with due courtesy and respect. When a deadly foe to his operations and to the interests of his constituents in the field, that is the first man the Doctor visits and he labors to make him our friend.<sup>25</sup>

...It is not my intention at this meeting to mention whom I think we had better send to Washington, as I did two years ago this summer, when Brother Bernhisel arose to speak here,<sup>26</sup> at which time we nominated him for our delegate. Before he is again elected I wish to learn whether he is willing to return. The office is a toilsome one,<sup>27</sup> and is a mission which is not desirable to any Elder in this Kingdom, but if I can learn that he will accept the mission, I have no question but that he will have to round up his shoulders and go again. If he decline accepting, and wishes to be excused we will pick up somebody else. Who? Why the man who will do the least hurt of any man we can find.

Apparently Dr. Bernhisel was willing to "round up his shoulders" and return to Washington for yet another term as Utah's delegate. The Deseret News is quoted in the Journal History of the Church, telling of his departure.

The Hon. John M. Bernhisel left for Washington on the morning of the first inst. by the Eastern Mail. He is again returned to Congress as delegate from Utah by the unanimous vote of her citizens and goes with their highest

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25 This is the only indication available that Dr. Bernhisel's policy of not rising to "bait", while on the floors on the House, may have been on instructions from the Church Leaders.

26 Supra, 65.,n.1.

27 This is another indication of the strength of the combined power of church and state, in Brigham Young's hands.

confidence in his ability to obtain all the justice for the red and white inhabitants of this Territory that "a Mormon" can possibly obtain under the circumstances.<sup>28</sup>

Thus after spending some three months in his home at Salt Lake City,<sup>29</sup> Dr. Bernhisel was again to face the "fury" of the Washington scene, vis-a-vis the Mormon question.

There were reports being published in the East concerning Dr. Bernhisel's activities that must surely have been gratifying to him. The Mormon<sup>30</sup> reported an interview with him in rather glowing terms.

We have lately had a very pleasant interview with the Hon J. M. Bernhisel, who has been on a visit to this city, since the recess of Congress.... In a long conversation with him, ...we are thoroughly convinced that his office there is no sinecure. He is a true friend to Utah, and looks after her interests with argus eye. He may not be so vociferous, noisy or loquacious as some. But we believe that a more indefatigable man, in looking after the interests of his constituents, cannot be found; and we firmly believe that his unassuming, courteous and gentlemanly bearing, coupled with his intelligence tact and untiring diligence, do more real service in securing the wish of his constituents, in the interests of Utah, than all the powers of boisterous declamation or noisy argumentative debate. Several members of Congress with whom we conversed, and whom we had occasion to call on officially in committees, mentioned the same thing to us when in Washington. One prominent member remarked, "If you don't get what you want it certainly will not be your delegate's fault."

The knowledge that his people were satisfied with his work in their behalf would surely make the burdens of his office seem lighter to him in the coming years.

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28 Journal History, Septermber 1, 1955; Deseret News, 5:204.

29 Journal History, June 5, 1855, entry for that date.

30 Journal History, March 7, 1855, entry for that date, from "The Mormon" published in New York City, edited by John Taylor.

As Dr. Bernhisel well knew, the "cauldron" of "Anti-Mormonism" was still boiling in Washington. There was constant fuel to add to the fires that heated it. In January of 1855, Bernhisel had found it necessary to revert to the press to disavow the accusations of dishonesty brought against Brigham Young.

Press reports had it that the Governor of the Territory of Utah had been guilty of misapplication of public funds. The letter Dr. Bernhisel wrote to the Editors of the National Intelligencer is typical of the type of public-relations work at which he was so expert.<sup>31</sup>

Gentlemen: as the Delegate from the Territory of Utah, I have the right to debate any question which may engage the attention of that body. ...I have precedents which would justify me in troubling the House...with the correction of errors which have been infused into the public mind, respecting the administration of the governmental affairs of the Territory of Utah. The propriety of such a course, however, appeared to me in many cases to be questionable, and I avail myself of the press to correct one or two errors to which the press has given an injurious circulation.

...By the twelfth section of the act of the 9th of September 1850 entitled "An act to establish a Territorial Government for Utah," the sum of twenty thousand dollars was appropriated to the territory to be applied by the Governor and legislative assembly to the creations of suitable public buildings as the seat of government. That sum was advanced to Governor Young in the month of July, 1851, and he has been unwarrantably charged with a misapplication of that money. Of that accusation a very simple statement will be ample refutation.

On the 30th of September, 1853 Governor Young rendered an account on vouchers, setting forth the expenditure of \$10,373.48; of this sum of Honorable Elisha Whittlessey, 1st counselor of the Treasury...disallowed \$1,688 paid for the services of various persons as a committee...to select a site for the seat of government...the balance

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31 Journal History, January 3, 1855 entry for that date.

amounts of \$11,396 for which Governor Young holds himself ready to account. The Indian hostilities which have troubled the Territory and other causes have delayed the completion of the public buildings, but Governor Young has given notice as to the Secretary of the Treasury, as the best refutation of the accusation against him, that he will honor a draft at sight, if that officer...will draw upon him for the unexpended balance in his hands.

The Doctor continues, quoting at length from Captain Stansbury's writings of the favorable nature of the Mormon character in general, and of Brigham Young in particular. Among others that are quoted in this letter to refute the charges of lack of patriotism, militarism, secession etc., brought against the Mormons is a former Chief Justice of Utah, the Honorable L. H. Reed, of New York,<sup>32</sup>

I was received by Governor Young with marked courtesty and respect. He has taken pains to make residence here agreeable. The governor is a polished gentleman, in manner and conversation, very neat and tasty in dress, easy and pleasant in conversation, and I think a man of decided talent and strong intellectual qualities. I have heard him address the people on the subject of man's free agency. He is a very excellent speaker; ...the Governor is a first rate business man. His private business is extensive...I have made up my mind that no person has been more grossly misrepresented than Governor Young, and that he is a man who will reciprocate kindness and good intentions as heartily and freely as any one. (Bernhisel then continues) As a people they are hospitable to strangers, respectful to authorities, and loyal to the government. To prove themselves good members of civil society, they can point to the labor they have performed, and the thriving villages and fertile farms into which they have converted a distant wilderness. They desire to enjoy in peace the fruit for which they have toiled.

A commission had been appointed by Brigham Young on the 29th of October, 1851, to select a Capitol site at Fillmore.<sup>33</sup> There was only one session of the Territorial legislature held at this

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<sup>32</sup> Idem.

<sup>33</sup> Whitney, op.cit., 482, gives complete list of commissioners.

location, however. It was soon learned that the bulk of population, being located in the northern section of the state, made the location of the Capitol at that city more convenient.

There were periodic attempts to improve the very difficult transportation problem, in the remote Utah Territory. Even this evident necessity met with the usual type of opposition in Congress when Dr. Bernhisel proposed it. In February of 1856, the Doctor presented a Memorial from the Utah<sup>34</sup> Legislature asking for a military road from Bridgers Pass, in the Rocky Mountains, to Great Salt Lake City, in the Territory of Utah. The debate that ensued over this minor appropriation is certainly revealing of the type of opposition Bernhisel contended with.<sup>35</sup>

Mr. Letcher: How long is that road to be?

Mr. Bernhisel: The distance is about 200 miles, the estimate is made by the Secretary of War, the amount is to be expended under his direction.<sup>35</sup>

Mr. Letcher: Three thousand dollars to make 200 miles of road when it takes \$2,000 a mile for others.

Mr. Bernhisel: At the last session of Congress an appropriation of \$50,000 was made for the construction of a military road from Bridger's Pass through the Rocky Mountains. Unless that road be extended to Salt Lake City, the first part of the road will be entirely useless.

Mr. Paine: Mr. Chairman, I have but a few words to say on this matter. I am astonished after the action of the committee on other bills that such strenuous objection should be made to the proposition now before us. We are asked to appropriate \$3000 to make a road in the Territory of Utah. I am surprised that there is any objection to it.... Are we not told--we do not know whether it is fabulous or not--that there are in Utah from seventeen to forty women to one man (laughter). Are these women to be turned out to make the road? (renewed laughter.)

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<sup>34</sup> Congressional Globe, 34th Congress, (1855-1856) 473.

<sup>35</sup> Idem.

The Territorial status of Utah with the appointment of non-Mormon Federal officials, soon created a new and more serious difficulty. Disputes arose within the territory between the Territorial Marshal and the U. S. Marshall. Associate Judge George P. Stiles, an "ex-communicated" Mormon, claimed full jurisdiction for serving writs and impanelling juries belonged to the U. S. Marshall. The wrath of the local populace gave vent to a demonstration that resulted in burning some of his private papers and reported burning of the court records, though they were only removed. Stiles reported that the court records had been burned, and the event was given wide acknowledgement.<sup>36</sup>

Another Associate Judge, Justice W. W. Drummond, finally brought the issue to its ultimate conclusion. Drummond, whom both non-Mormon<sup>37</sup> and Mormon<sup>38</sup> writers, agree was an immoral and licentious character, to begin with, insulted the character of the Mormon women at every opportunity. The resultant clamor soon gave him reason to resign. His resignation was tendered to the U. S. Attorney General<sup>39</sup> and charged Brigham Young with a variety of crimes ranging from treason to murder.<sup>40</sup> Despite the published denials of the various charges, President Buchanan thought a sizeable rebellion was in progress in Utah and called out the Federal troops. No attempt will be made herein to give a detailed story of the Utah War, or Buchanan's Blunder, as it has been aptly called,

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<sup>36</sup> Stenhouse, Rocky Mountain Saints, 283-285.

<sup>37</sup> Idem.

<sup>38</sup> Smith, J. F., Essentials in Church History, 494.

<sup>39</sup> Whitney, op.cit., 580-582, gives a detailed account of his resignation.

<sup>40</sup> Idem.



except as it has a bearing on the story of Dr. Bernhisel. That these new events in Utah were having their effect upon his activities in the halls of Congress is evidenced by a resolution introduced on December 21, 1857, in the House of Representatives.<sup>41</sup>

Whereas, it appears from the proclamation of Brigham Young, late Governor of the Territory of Utah, as also from the Message of the President of the United States; that said Territory is in open rebellion against the Government of the United States: Therefore, Be It Resolved, that the Committee on Territories be instructed to report on the facts, and to inquire into the propriety of excluding from a seat upon this floor the Delegate from said Territory.

It is difficult to evaluate the action of Utah's Delegate during this period of history. Whether as has been suggested,<sup>42</sup> in other sections of this work, Dr. Bernhisel had been given instructions not to be too outspoken in Congress in defense of his constituency, or whether he came to that decision himself, is problematical. That this course was followed is certainly evident from the facts. When the resolution for his removal was brought to the floor of the House for debate, Dr. Bernhisel conveniently absented himself.<sup>43</sup> As soon as the resolution had been read, this fact was observed.

Mr. Campbell: I would observe that the delegate from Utah is not in his seat, and I think it proper that the resolution should be postponed until he is present.

It may be that this was a strategic move on Bernhisel's part, either to gain time, or to postpone the action indefinitely. If so, the move failed.

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41 Congressional Globe, 35th Congress, (1857-1858), 134.

42 Infra, 81, n. 24.

43 Congressional Globe, 35th Congress, (1857-1858), 165.

Mr. Warren: But a moment before I rose the Delegate from Utah was in his seat and if he chooses to vacate it, it is not my fault. But I will press my resolution upon the House regardless of the Delegate from Utah or anybody else. It is a course which the Delegate expects; which every man in the country expects; and it is a subject which every member of this House should desire to have investigated.<sup>44</sup>

As the debate continued, the issue was raised as to whether Bernhisel could legally be declared to represent a rebellious faction in Utah, while there remained some part of his constituency still loyal to the U. S.

Mr. Bocok: I do not believe that this House can set itself up as a grand inquisition in regard to the religion or morals of any part of this country. We are not here for any such purpose. We cannot constitutionally declare any state or territory in a condition of moral rebellion, and, therefore, not entitled to be heard upon this floor.

As in most debates, for indefinable reasons, friends for the issue at stake can be found, as well as foes. In the case of Mr. Marshall of Kentucky, however, the reasons become obvious immediately.

Mr. Marshall: I agree with the gentleman from Virginia (Mr. Bobcock) that we are not to look for the tenure of our seats in this Hall to the moral sentiment of the States or of the districts we represent. There are a large class of men in this country who believe in the doctrine of secession: Now, suppose that a state of this confederacy carrying out that doctrine, had declared its intent to disobey and to resist a law which it deemed unconstitutional...to expel from this floor the Representatives of States where slavery exists because it might be assumed to be a violation of the constitution.<sup>45</sup>

Thus Mr. Marshall, while purportedly defending Doctor Bernhisel's cause, was also giving a preview to an issue that would,

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44 Idem.

45 Idem.

not many years hence, portray the Utah problem on a national scale. But Marshall's defense had a more specific reference to Bernhisel than the previously quoted statement. In one sense it can be seen to have a telling effect in helping Bernhisel retain his seat in Congress. However, it cannot be said to be a laudable commentary on Bernhisel's Congressional activities from the point of view of his associates.<sup>46</sup>

I do not want the House, by rushing into a precipitate conclusion, bearing on the Delegate from Utah, to either recognize rebellion as the status of the Territory of Utah, or to prejudge the question, that must come before it appropriately hereafter, in reference to the army of this country marching against Utah. I do not myself believe that the House ought not to entertain the subject at all. We have not heard from the Delegate from Utah, this session. He has no suggestion from Utah to make to the General Government. He has not opened his mouth here during the session. He is doing us no harm.

I think, in fact, Mr. Speaker, that as time wears on, we may want the Delegate from Utah here. He may have a good deal of information we shall want. If he is a true man to his country he will communicate it.

Though some further attempts of this nature were made against Bernhisel's retaining his seat, they failed. Bernhisel remained as Utah's official Delegate and continued his work in their behalf. Though as has been discussed above, his work on the floor of the Congress was anything but dynamic, his activities in other areas were considerably more effective. After the Federal Army had departed for Utah Territory, escorting the new Governor to assure his assumption of office, the Doctor began anew his public relations work. In an effort to influence favorably the tide of public opinion,

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46 Idem.

Dr. Bernhisel wrote to the New York Weekly Herald.<sup>47</sup> It is, I think the best example of his press contributions:

...Upon the advice of experienced friends I have carefully avoided presenting my name in print. The most obnoxious individual, however, ~~is~~ by popular consent entitled to ask for himself and for others, when malice is busy against them, what is termed a suspension of public opinion. I would most respectfully ask my fellow citizens to distrust the letters with which the journals now abound, coming or purporting to come from the station of the army of Utah, and which are composed without any regard to truth of statement, by those whose personal interests will be promoted by our countries persevering in the wicked enterprise denominated the Mormon War. ...

Why are you told by these cruel and mercenary persons that there is reason to doubt the sincerity of the Mormon's desire for peace? Why did the press at their command deny the authenticity of the dispatches of Governor A. Cumming to the Commander at Camp Scott, and the President.<sup>48</sup> Can they hope, after we have entirely abandoned our plans, and sacrificed all our preparations for defense--after we have opened a way into Utah to troops whose existence no reasonable man will doubt was at our mercy--do they still hope to bring on a war, by following after our fleeing people so closely that the conduct of a licentious solidery will compel our citizens to defend themselves from their outrages by force?

I do not understand it. My advices show that four months have passed since we were invited by the president of the U. S. or by a gentleman who claimed to have his confidence and represent his views, to receive the assurance of his own, and the nations good will, and to welcome peace and free intercourse again, with the forgetfulness of all past differences. ...and upon our national faith we felt safe to call back our troops, who were upon a hostile march, and salute the flag which should protect every American citizen who has a right to gaze upon it. But the hostile preparation against us still continue. ....

With all these evidences of dark plotting I still have the hope that they will not be able to cover up the truth with fire and blood. I will not yet place the national administration with those who are striving to

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<sup>47</sup> Milenial Star, August 14, 1858, from the New York Weekly Herald of July 7, 1858.

<sup>48</sup> Linn, Story of the Mormons, Chapt. XII-XV passim, gives the non-Mormon viewpoint of this affair, while Whitney, op.cit., passim, gives the traditional Mormon account.

destroy us. I believe the President to be a man from whom the truth may be kept by court intrigue: but I trust in him as in every case incapable of perfidy.

I think it enough for me to beg a suspension of public opinion.

Very respectfully,  
Your obedient servant,  
John M. Bernhisel,  
Delegate from Utah.<sup>49</sup>

Though undoubtedly Dr. Bernhisel was doing an incalculable amount of good through the press, and other less obvious means, it is obvious he must have been taking some more direct action towards an amicable settlement.

That Dr. Bernhisel was taking even more direct action than that offered by these press notices just quoted, is evident from the correspondence of the time. Two entries in the diary of Brigham Young in February of 1858 show that he had received word of Bernhisel's actions in Washington.<sup>50</sup>

It is true that Dr. Bernhisel has had several long interviews with the President relative to affairs in Utah. He proposed that the troops be withdrawn and that a commission be dispatched to the Territory to arrange for the settlement of difficulties. The President rejected rather than received the propositions which Bernhisel made in virtue of his powers as Delegate of Utah, and not pursuant of instructions from Governor Young. The Doctor says that the people are disposed to peace and would come to any reasonable terms of accommodations.

These negotiations of the President are indicated by dispatches from New York newspapers<sup>51</sup> months later.

The rumored proposition of the Utah Delegate, Dr. Bernhisel to President Buchanan, for the adjustment of the difficulties in that territory are now the subject of of conversation and criticism here ...

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<sup>49</sup> Millennial Star, August 14, 1858; from the New York Weekly Herald, of July 7, 1858.

<sup>50</sup> History of Brigham Young, (Ms) 1858, 169.

<sup>51</sup> Journal History, April 7, 1858, from correspondence of the New York Herald.

...That propositions for the prevention of hostilities in Utah have been serious(ly) talked over with the President is unquestionable, and that he would accede to honorable arrangements in which the effusion of blood could be spared is a matter which I can entertain no manner of doubt. Dr. Bernhisel is proverbially a gentleman who illustrates in his life that only creed subscribed to by the Mormons--"Mind your own business." That he should have been here so long without presenting this measure, or without letting it escape his lips that such was his intention is nothing; in fact, in this he only illustrates the prominent feature of his character--prudence. That he should have about 3,000 miles from to sit in Congress without any object to accomplish, is very unlikely. That he should present such an arrangement is neither unlikely or unworthy of such a journey.

If President Buchanan can get rid of the Mormons by negotiations in stead of by the sword he will find many to sustain him in this measure.

What were these propositions that Bernhisel was offering to President Buchanan relative to peace settlement? Research reveals little on the exact nature of them. Evidently what action he was taking was purely of his own volition and "not from any instructions from Brigham Young."<sup>52</sup> After consideration of what scant evidence is available, the conclusion reached is that whatever the nature of the Presidential conversations, they had little effect on the final outcome of the "Utah War."

Some light, however, is given as to what may have guided Bernhisel's thoughts relative to the situation of the Mormons from the correspondence he received. There was during this time a great variety of schemes concocted to solve the "Mormon Problem." Dr. Bernhisel, as Delegate from Utah, received many of these. One of these schemes proves very interesting in the light of his Presidential interviews.<sup>53</sup>

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<sup>52</sup> History of Brigham Young (Ms) 1858, 169.

<sup>53</sup> Letter, Gibson to Bernhisel, from the original on file at Church Historians Office.

New York, November 26, 1858

My dear Sir:

I have some intention to visit Utah and design to start for that territory, enroute to the Pacific coast, in the course of a few weeks. I hope to accomplish a long cherished purpose of establishing a colony upon an island of Central Oceanica. There is a large number of persons in different parts of the country who sympathise with this purpose; and are disposed to cooperate with me in effecting its accomplishment. I wish to have some communication with your constituents, notwithstanding my disagreement with them in regard to religious views, and I would thank you to communicate to me the name of any one in this city, who corresponds with or enjoys the confidence of the principal persons of your constituency. I wish to tell him freely, the objects I have in view in visiting Utah, and to ask him for information that might be useful to me.

Yours very respectfully,  
Walter M. Gibson.

Hon. J. M. Bernhisel  
Washington, D.C.

Gibson soon changed his "religious views," however, to make them compatible with his ultimate purpose. History of Brigham Young (Ms) 1860, entries for 4th and 18th of November, tell of his baptism and commission as missionary in the Mormon Church.<sup>54</sup> He managed to be sent to the Hawaii Islands. There he swindled the native church members out of some 6,000 acres of land, sold ordinations to the Priesthood of his church, and virtually made himself a king. When reports of his activities reached the Church Headquarters in Salt Lake and investigating commission was sent out, Gibson was summarily ex-communicated from the church April 8, 1864.<sup>55</sup>

Although the fraud that Gibson intended, in this early letter to Bernhisel was not discovered until too late, others were easily revealed at first glance. B. W. Perkins made a similar proposition

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<sup>54</sup> History of Brigham Young (Ms), November 8, 1860 tells of Gibsons baptism into the Mormon Church.

<sup>55</sup> Millennial Star, XXV, 458-60, gives account of the investigating commission sent to Hawaii etc.

at about the same time. He agreed to move the "entire Mormon population of Utah" to an Island in the Pacific, provided:

...the Mormons will cede to him the said Perkins, the whole of their real estate, public and private, with all the buildings improvements and appertenances thereto belonging...

...The said Perkins hereby binds himself to furnish the Mormon people with comfortable conveyances from their present residence in the Territory of Utah to such point on the Pacific as will be the most commodious and convenient for embarkation to the Island of Papua or New Guinea aforesaid.

After agreeing then to furnishing the transportation, food, etc., from the point of embarkation to the Island itself, the "nigger-in-the-woodpile" was revealed:<sup>56</sup>

This proposition is upon the condition that the United States will purchase from the said Perkins the real estate of the said Mormons, to be conveyed in pursuance of this agreement, at a price to be agreed upon hereafter.

That such propositions may have had some bearing on the Presidential interviews Bernhisel engaged in is indicated by an entry in Brigham Young's diary.<sup>57</sup>

It is reported to me on good authority, that Mr. Buchanan contemplates withdrawing the troops from Utah. Dr. Bernhisel, the Mormon delegate, has submitted propositions to the administration indicating the willingness of the Mormons to vacate Utah and colonize on some of the Island of the sea outside of the Jurisdiction of the United States, provided the Government will purchase at a fair valuation the Salt Lake City Improvements. Dr. Bernhisel asks that commissioners be sent out to arrange terms and details. Should these be agreed on Salt Lake City, is to become a Grand Military Station or depot for our Western Troops.

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<sup>56</sup> Original Letter of Perkins, on file at the Church Historians Office.

<sup>57</sup> History of Brigham Young (Ms) 1858, 169; see also Deseret News 8:30.



This report, however, was taken from New York papers, and there is no other evidence to support it. Further, research reveals no evidence that if the press report of this action, by Bernhisel, was true it was entirely on his own responsibility, not on instructions from Salt Lake.

With the mediation of Thomas L. Kane,<sup>58</sup> Governor A. Cummings was received by Brigham Young as Governor of Utah. The stories of burning of court records etc., were disproved and the fiasco was absorbed by the backwash of history.

After approximately eight years of action on the congressional scene, Dr. Bernhisel was due for a rest. That it would be considered was made evident in Salt Lake while Bernhisel was in the midst of his Washington negotiations. On December 22, 1858, Brigham Young discussed with his council<sup>59</sup> the advisability of sending another representative to Washington in place of Bernhisel. As to the actual election of Wm. H. Hooper in 1859 there is as little known as in previous elections of Bernhisel. Brigham Young made reference to it in a speech of August 19, 1860.<sup>60</sup>

Brother Hooper submitted to the people's choice, as every man should. Had the choice fallen upon any other, as it did upon Brother H. S. Eldridge, who was our first choice previous to the last election for Delegate, but it was thought best to change it, he also would have been able to have done his duty in Congress. ...Brother Bernhisel was our Delegate for several years, and are we satisfied with his official course? Yes; he did his duty.

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<sup>58</sup> See, Zobell, A. L., Thomas L. Kane, Ambassador to The Mormons (thesis).

<sup>59</sup> History of Brigham Young (Ms) December 22, 1858, 1153.

<sup>60</sup> Journal History, August 19, 1860 entry for that date, also, Deseret News, 10:210.

At any rate, Bernhisel returned home to Salt Lake City for a two year period 1859-1861, which aside from a few local activities<sup>61</sup> had no significant bearing on this work.

Bernhisel's Congressional career was not yet over. A letter from George A. Smith to Jesse N. Smith of July 18, 1861,<sup>62</sup> gives another striking example of the combination of Church and civil affairs in Utah. George A. Smith was at this time Church Historian and a member of the Council of Twelve Apostles. He says:

Last night we had a caucus meeting in the office. Hon. John M. Bernhisel is going again as Delegate to Washington. Daniel Spencer is going into the Council in place of James Ferguson. Horace S. Eldredge and Joseph Young will go into the House in place of Dr. Anderson and W. P. Nebeker.

The official certificate of election of Dr. Bernhisel was of course a much more official document<sup>63</sup> than this brief mention would indicate.

The period from 1861-1863, as far as Dr. Bernhisel is concerned, is most important for the efforts that were being made to acquire the status of statehood for Utah.

Periodic attempts had been made to achieve this Status. In 1858 a convention had been held and two Delegates, George A. Smith, and John Taylor, were sent to Washington bearing a memorial, petitioning for that status. Their report to the House of Representatives of Utah Territory<sup>64</sup> reveals that Bernhisel's advice was considered and adhered to as to their proposed action.

61 See Journal History, August 19, 1860; Deseret News 10:210. Journal History, October 9, 1859, 4. December 3, (3) March 6 6, 1860, 3, August 19, 1860., 3.

62 History of Brigham Young(Ms) December 22, 1858, 1153.

63 See Appendix for Bernhisels Election Certificates.

64 History of Brigham Young(Ms) 1861, July 18, 1861, 323.

We proceeded to Washington as soon as practicable and conferred with our Territorial Delegate, the Hon. John M. Bernhisel, upon the subject of the presentation of our Memorial and constitution. He expressed his unqualified disapprobation to our presenting the memorial to congress, urging that it would not only be totally rejected, but would be the means of raising obstacles to the admission of Deseret which might be troublesome hereafter...

We conferred with prominent members of both Houses of Congress and of the various parties and fully satisfied ourselves that Mr. Bernhisel's opinion of the subject was strictly correct.

...In view of these considerations we deemed it unwise to formally present to Congress the Memorial and Constitution, and consequently deferred its presentation.

Another attempt was made to accomplish the status of Statehood in 1862. Reports of local conventions are very numerous in the Journal History of the Church for this year. Dr. Bernhisel was a unanimous choice for representative to Congress under the proposed plan.<sup>65</sup> Results of the election<sup>66</sup> show that there were 7567 votes cast in favor of adopting the State Constitution, 7569 votes cast in favor of Dr. Bernhisel as representative.

The outlook this time seemed more favorable than in 1858. Their Delegate from the constitutional convention. Wm. H. Hooper, wrote to George Q. Cannon, indicating this.<sup>67</sup>

I think three quarters of the Republicans of the House would vote for our admission; but I may be mistaken. Many say they would gladly swap the Gulf States for Utah. I tell them that we show our loyalty by trying to get in while others are trying to get out, notwithstanding our grievances, which are far greater than any of the seceding States; but that I consider we can redress our grievances better in the Union than out of it.

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65 See Journal History, entries for 1862, January 23, February 1, March 3, 18.

66 Ibid., March 3.

67 Whitney, op.cit., II, 36.

Dr. Bernhisel presented the memorial and Constitution in the House on the 9th of June 1862. Vice-President Hamlin presented them in the Senate on the 10th.<sup>68</sup> Unexpected resistance to the move was soon made evident. It was the same old story as before-polygamy! Despite Utah's evident loyalty to the nation,<sup>69</sup> statehood now was doubtful. Whitney states that "had the Mormons been willing to abandon polygamy in 1862, thus meeting the Republican party half way, it is not improbable that Utah in view of loyal attitude, might have been admitted into the union."<sup>70</sup> No action was taken on the motion at this time, officially the reasons given were "due to pressure of war."<sup>71</sup>

Meanwhile events at home had not helped the Mormon cause in Washington. The Governor John W. Dawson had been accused of immorality<sup>72</sup> and had made attacks on the morality of the Saints before finally fleeing from his post. On his way home (Washington) he was attacked and wounded by a band of ruffians, one of whom was supposedly a brother to a woman he had insulted. George A. Smith immediately wrote Bernhisel advising him of the apprehension of the guilty parties to counteract what Dawson might have to say on reaching the East.<sup>73</sup> An insight into frontier justice is also gained from this letter.

<sup>68</sup> Ibid., 58.

<sup>69</sup> Ibid., 30., Brigham Young's first message over the Telegraph completed October 17, 1861 was, "Utah has not seceded, but is firm for the Constitution and Laws."

<sup>70</sup> Ibid., 59.

<sup>71</sup> Journal History, January 19, 1863, entry for that date.

<sup>72</sup> Journal History, January 18, 1862, entry for that date., see also Stenhouse, Rocky Mountain Saints, 592.

<sup>73</sup> History of Brigham Young, (Ms) January 18, 1862, 261.

When measures were instituted for the apprehension of the persons who robbed the Governor, some of the persons implicated fled westward for California... O. r. Rockwell, John Bennion and three others pursued the offenders... They overtook Lot Huntington, Moroni Clawson, and John Smith (all implicated) and caught them in the act of selecting fresh horses for..their escape. The three were summoned to surrender. Lot Huntington resisting, was shot through the bowels and died in four minutes. The other two were brought to this city...on being removed from the police station to the Court House, they made an attempt to escape from the police but were immediately fired upon with fatal effect. The telegraph was of Signal service in the capture of the above criminals.

Stephen S. Harding was appointed Governor to replace Dawson.<sup>74</sup> Harding, although on his arrival ~~he~~ had made protestations of friendliness to the Mormons, he soon changed his course. On the 8th of December, 1862 when the Territorial Legislature convened, Governor Harding made a somewhat renowned speech. George A. Smith wrote to Dr. Bernhisel advising him of what had happened, fearing repercussions in the Eastern press, or in official circles.<sup>75</sup>

The Governor proceeded to a semi-dramatic reading of a document which for length would have done honor to Henry A. Wise. It was a discussion of slavery and information as to the end of the system to result from President Lincoln's proclamation under the war power. (It called for resolutions of sympathy for the Union.)

Next a long dissertation upon the horrors of polygamy, coupled with threats and innuendoes. ...He denounced our Territorial Laws almost enmasse, and was especially dreadful on that law which allows a man to protect his family from the seducer, without being hung therefore. He made an attack upon the authorities as urging men into polygamy on purpose, to trample the sacred laws of Congress under foot.

The members of the legislature sat very patiently and heard the gentleman through, though many of them felt very restive. Since that time no member has called

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<sup>74</sup> Whitney, op.cit., 70.

<sup>75</sup> Letter, Smith to Bernhisel, in History of Brigham Young, (Ms) December 15, 1862, 1060.

at the executive office. The Document has not been printed, nor is it likely to be and no notice whatever has been published on his visiting the joint session. ...as it was written entirely for another longitude, the neglect here may enable him to give it wider circulation elsewhere.

George A. Smith.

That there was good reason to believe that Governor Harding would use his influence to work against the interests of the Saints was soon made evident. Correspondence from Bernhisel to the Territorial Legislature reveals the nature of Harding's action.<sup>76</sup>

Mr. Carrington then read correspondence from John M. Bernhisel, Delegate to Congress...in which the unjustifiable proceedings of Governor Harding...were exposed...Governor Harding was represented to have communicated to the Vice-President of the U. S. and President of the Senate, his message, accompanied by a letter stating that the message had been suppressed through the influence of one of our prominent citizens, referring unquestionably to Governor Young.

Justifiable reasons were found shortly after this event to petition for Governor Harding's removal, and June 11, 1863, he left the Territory. James Duane Doty was appointed to fill Harding's place. Judge John F. Kinney was replaced as Chief Justice by John Titus.<sup>77</sup> Judge Kinney had been a staunch friend, however, and his loyalty to their cause was rewarded. Judge Kinney's election as Delegate to Congress in 1863 relieved Dr. John M. Bernhisel of his last official responsibilities in the halls of Congress.

A long and most turbulent Congressional career had ended. Few men have served in Congress during such critical times and retained the confidence and friendship of both colleagues and constituency, as did Dr. Bernhisel.

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<sup>76</sup> Whitney, op.cit., II, 137.

<sup>77</sup> Whitney, op.cit., II, 103-4.

CHAPTER V

DR. BERNHISEL'S LAST YEARS

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### DR. BERNHISEL'S LAST YEARS

The last years of Dr. Bernhisel's life, like the years of his youth, are clouded with obscurity. Even his obituary could not be fully written until some investigation was completed.<sup>1</sup> Dr. Bernhisel's interests throughout his life were wide and varied. Education, in his youth had fascinated him. During his Congressional career, education and libraries had been a constant concern. In the last years of his life, Dr. Bernhisel still continued to patronize all fields of education. The Doctor was a member of the original Board of Regents of the University of Deseret,<sup>2</sup> organized February 28th, 1850. Among the activities of Bernhisel in Washington, the most constant reference to the attention of Congress is probably that of library facilities in Utah. Dr. Bernhisel obtained the first appropriation from Congress for the purchase of a library in Utah.<sup>3</sup>

Dr. J. M. Bernhisel has been appointed by the President to select the Utah library, for which Congress has appropriated \$5,000 and at our latest advices, he was in New York making the selection. Dr. Bernhisel has issued a circular, soliciting editors and publishers of newspapers, magazines, pamphlets, and books, to forward a copy of their productions to Great Salt Lake City, for the benefit of Utah library.

The first major shipment of the books which Dr. Bernhisel had selected were received in Salt Lake City about a year after the

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1 Journal History, September 28, 1881, October 21, 1881, from Deseret News, same date.

2 Whitney, op.cit., I.434.

3 Alter, J. Cecil, Utah, The Storied Domain, I, 127.

4 Ibid.



appropriation had been made. Wm. C. Staines, who had been appointed Librarian, reported on this event in the Deseret News, February 21, 1852.

The books of the Utah library, purchased by the United States, and received as donations, through the agency of Dr. Bernhisel, have recently been removed from the boxes...and are found in a high state of preservation; we have made very little examination, but we hear of the selection, spoken of, by learned gentleman, as of the highest order. The catalogue, classification, and arrangement of the Library are not yet completed<sup>5</sup>

That catalogue, of which Mr. Staines speaks, was completed soon thereafter. Probably the only copy in existence of that first catalogue is in the University of Utah Library.<sup>6</sup> Dr. Bernhisel reported an additional appropriation of \$500 to increase the Utah Library in 1854.<sup>7</sup> As has been mentioned, memorials for other appropriations to increase the library were made throughout Bernhisel's congressional career.<sup>8</sup> Even after his retirement to private life, though he no longer contributed time and effort, his interests remained high in the progress of library facilities. The Deseret News, of June 22, 1864, gives a list of individuals who contributed books to the Library. Dr. Bernhisel's gift of fifty volumes was the largest single contribution.

Bernhisel's knowledge of Medicine kept him at this practice until his very latest years. His services were utilized in the pioneer community, both as physician and surgeon as well as in teaching.<sup>9</sup>

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5 Ibid., 135, from Deseret News, February 21, 1852.

6 A copy of the history section of this catalogue is included in Appendix II, as an indication of what history books were available in 1852.

7 Supra, 62, see Bernhisel's letter to Richards on appropriations.

The School of the Prophets,<sup>10</sup> which had been organized in 1833 during the Prophet Joseph Smith's lifetime, continued for some twenty-odd years after the emigration to Utah. Dr. Bernhisel was a frequent speaker at this "school." He spoke on both the physical and spiritual aspects of man's life. Journal History entries indicate that he taught Dietetics and Hygiene<sup>11</sup> at that school as well as participating in spiritual discussions.

Dr. Bernhisel lived to see the completion of the Pacific Railway, a movement which he helped to initiate.<sup>12</sup> The official program of the celebration, held on May 10, 1869, is printed in the Deseret News and indicates that Bernhisel was a participant in the program.<sup>13</sup>

Though from a series of entries in Journal History, there is evidence that Dr. Bernhisel continued in the minor, local politics of the time, there was no major contribution.<sup>14</sup>

As to the private life of Dr. Bernhisel, practically nothing is known. Judge Elias Smith, now ninety-one years old, is one of the few men living who knew the Doctor personally. Interviews

8 Congressional Globe, XXVIII, (1853-1854) 759; 34th Congress (1855-1856) 1496; 37th Congress, 2nd Session, (1861-1862) 168.

9 Journal History, June 1, 1869, 3, Bernhisel assisted in an operation on James S. Brown, accidental gunshot victim; February 2, 1870, operated on a Mrs. Naisbitt to remove a tumor.

10 see Doctrine and Covenants, sec. 88, December 27, 1833.

11 Journal History, April 10, 1868, entry for that date.

12 Supra. 60, n. 22.

13 Journal History, May 10, 1869, entry for that date. see also Deseret News, of same date.

14 Journal History, June 15, 1865, with President Young he called Speaker Colfax & Governor Bross; June 26, 1869 with Pres. G. A. Smith he visited with ex-Sect. Seward. March 31, 1870, he was Vice-President of a mass meeting to protest the passage of the Cullom Bill.

with Mr. Smith reveal some interesting facts about the personality of Dr. Bernhisel.

Mr. Smith declares that Dr. Bernhisel was thought of as the "aristocrat" of the community. He seldom, if ever, appeared dressed in anything but a 'Prince Albert' coat and a high silk hat. The Doctor was not socially inclined. The numerous social gatherings in Salt Lake City were never attended by Dr. Bernhisel, or his wife. Their home, located on the North East corner of the intersection of North-Temple and West-Temple Streets, was seldom visited by neighbors. Possibly one reason for this, Mr. Smith speculates, was that the Doctor had an invalid child, bed-ridden in his home. Their constant care of this child usurped much of their time.

There is some evidence to believe that Dr. Bernhisel was fairly well fixed financially at one time. When Zions Co-operative Mercantile Institution, the great Mormon co-operative store, was organized in 1868, Dr. Bernhisel was made its first Vice-President.<sup>15</sup> The editor of the Deseret News, however, who wrote the obituary of the Doctor, October 21, 1881, declares that the Doctor had been unfortunate in his business affairs. According to this article,<sup>16</sup> Bernhisel was engaged in "mining matters, in which he was markedly unsuccessful, causing him to be considerably reduced in circumstances."<sup>17</sup> Judge Elias Smith, referred to above, declares that Bernhisel was not, directly, concerned with

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15 Neff, op.cit., 822-833, passim, for an account of ZCMI.

16 Journal History, October 21, 1881, entry for that date.

17 Idem.

any mining ventures. He was, says Judge Smith, a "Money-Lender", and the loans he made to men engaged in mining proved to be his financial downfall..

Commenting on Dr. Bernhisel's death, the Deseret News says,

A somewhat remarkable man slid gently to the other life on September 28. We think it a matter of regret that such a distinct individual as Dr. John M. Bernhisel should pass from the human stage, leaving scarce a vestige of written record behind. ...Many matters pertaining to the career of Dr. Bernhisel would grace and embellish the history of the community with which he was for at least half of his earthly life connected, but we know not where to find the necessary details. The very absence of the coveted information manifests one of his leading characteristics, the innate modesty of the man.

David M. Bernhisel paid this tribute to his father in the conclusion to his biographical sketch:<sup>18</sup>

This brave and gentle man, through all the storms of life was oak and rock; but in the sunshine was vine and flowers. A thousand times he was known to have said, "Always cultivate a cheerful, happy, and contented disposition," and again, "A contented mind is a continual feast." Nothing better perhaps illustrates the character of the subject of my sketch. Courteous to all, the soul of honor, the very personification of integrity, and a Lord Chesterton in politeness.

It is a difficult task to measure a man's life and say exactly how much he contributed to the civilization of his time. It is hoped, however, that in this short work an appreciation for the work of Utah's first Delegate to Congress, John M. Bernhisel, will be gained after having seen the tremendous problems he had to face.

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<sup>18</sup> Supra, l., n. l.

Dr. Bernhisel's greatest contribution as Utah's Congressional Delegate was his work in public relations. There was not a year of the ten years he spent in Washington that he was not faced with public criticism. A lesser man than he surely would have lost courage in short order. His successful mediation of the Mormon difficulties is a tribute to the calm and purposeful nature of the man.

Dr. Bernhisel was not a "fire-eating" orator. There is no record of his ever having made either speech or rebuttal on the floors of Congress. He achieved his purposes in other, less dramatic ways.

He was an untiring worker with an unshakable conviction in his faith. The contributions he made to the progress of Utah stemmed from his devotion to that faith, not from any desire for political prominence. For ten long years Dr. John M. Bernhisel was the embodiment of Mormonism in the halls of Congress. Both friend and foe agree, he did an outstanding piece of work.



APPENDIX I

BERNHISEL'S ELECTION CERTIFICATES

State of Utah                    )  
                                  } SS  
County of Salt Lake)


CERTIFICATION

I, Margaret E. Fraser, a duly commissioned Notary Public in and for the State of Utah, residing at Salt Lake City, Utah, do hereby certify that the attached photostatic copies are true and correct copies of the original pages in the original volumes under the custody of the Secretary of State, Capitol Building, Salt Lake City, Utah, as follows:

Page 14, upper section, and page 88, from the "Executive Proceedings, 1850 to 1854, A, and Elections and Commissions."

Page 105, from "Executive Book 'B'," (1852-1871).

The attached photostats were made in the Utah State Capitol Building, Salt Lake City, from the above-named books which are the property of the State of Utah, on this 26th day of March, 1947.

A handwritten signature in cursive script, reading "Margaret E. Fraser", written over a horizontal line.

Residing at Salt Lake City, Utah

(SEAL)



Territory of Utah  
Executive Department

I, Brigham Young, Governor of said Territory do certify that at an election held in and for said Territory on the first Monday of August A.D. 1851 being the fourth day thereof, in pursuance of a proclamation issued by me for that purpose, for a Delegate to represent the said Territory of Utah in the Congress of the United States, 1259 votes were polled, and that John M. Bernhisel received the unanimous votes as appears by the returns of said election filed in the Executive Department, therefore I do hereby declare the said John M. Bernhisel duly elected Delegate of the said Territory of Utah to the thirty second Congress of the United States

Given under my hand and the seal of said Territory, at Great Salt Lake City, this thirtieth day of August in the year of our Lord one thousand eight hundred and fifty one, and of the Independence of the United States the seventy-sixth.

Brigham Young Governor

L.S.

Territory of Utah  
Executive Department

I, Brigham Young, Governor of said Territory, Do Certify That at an Election held on the first Monday of August A. D. One Thousand Eight Hundred and Fifty-three, being the first day thereof, for a Delegate to represent said Territory of Utah in the Congress of the United States, one thousand two hundred and thirty-three votes were polled, and that John M. Bernhisel received one thousand two hundred and thirty-two votes, as appears by the returns of said Election filed in the Executive Department.

Therefore, I Do hereby declare the said John M. Bernhisel duly elected Delegate of said Territory of Utah, to the Thirty-third Congress of the United States.

Given under my Hand and the seal of said Territory at Great Salt Lake City, this 29<sup>th</sup> day of August, in the year of our Lord, One Thousand Eight Hundred and Fifty-three. And of the Independence of the United States, the seventy-eighth.

By the Governor  
M. Richards

Brigham Young

Secretary pro tem.

Appointed by the Governor.

Executive Proceedings Returned to President U. S. Aug/ 31. 1853.

Certificate of the Election of John M. Bernhine,  
as Delegate to the Congress of the United States.

Territory of Utah,

I, Frank Fuller, )  
Executive Department  
Acting Governor of said  
Territory, do certify that at an election held on the first Mon-  
day of August, A.D. one thousand, eight hundred and  
sixty one, being the fifth day thereof, for a Delegate to rep-  
resent said Territory of Utah in the Congress of the United  
States, the Hon. John M. Bernhine received a large major-  
ity of all the votes cast, as appears by the returns of said  
election filed in the Executive Department.

Wherefore I do hereby declare the said John M. Bern-  
hine duly elected Delegate of said Territory of Utah, to the  
Thirty-seventh Congress of the United States.

Given under my hand and the seal of the Ter-  
ritory of Utah, at Great Salt Lake City,  
this eighteenth day of September, in the  
year of our Lord one thousand eight-  
hundred and sixty one, and of the Inde-  
pendence of the United States the eighty-sixth.

Frank Fuller,  
Acting Governor Utah Territory

L.S.

## APPENDIX II

Selections from the Catalogue  
of Books Selected by Dr. Bernhisel  
for Utah's First Library.  
Index Page and History Section Only.

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Catalogue of the  
Utah Territorial Library  
October, 1852

Great Salt Lake City  
Brigham H. Young, Printer

American History

AMERICA, annals of, from 1492 to 1826, 2 vols.			
"	Abiel Holmes	Cambridge	1829
"	antiquarian and philosophical history		
"	of. J. H. McCulloch	Baltimore	1829
"	border wars of. 2 vols. W. L.		
"	Stone	New York	
"	progress of, from its discovery by Columbus,		
	to 1846, 2 vols. John Macgregor		
"		London	1847
"	discovery and conquest of. William		
"	Robertson	New York	1848
"	tales about. S. G. Goodrich	Philadelphia	1844
AMERICAN HISTORY, Marcius Wilson		Cincinnati	1846
"	"	tales from. 3 vols. Eliza Robbins	
"	"	New York	
"	"	lights and shadows of. S. G.	
"	"	Goodrich	Philadelphia
"	"	slave trade, exposition of the	1846
		Philadelphia	1851
BOSTON, history of the siege of, and battles.			
	Richard Fotheringham,	Boston	1849
BOOK OF THE COLONIES, John Frost		Hartford	1849
BRITISH AMERICA, 2 vols. H. Maury		New York	1841
CANADA, conquest of. 2 vols			1850
CUBA, narrative of the descent upon. Thomas W.			
	Wilson	Havana	1851
CORTES' despatches to the Emperor Charles V, during			
	the conquest of Mexico	New York	1843
CUBA AND THE CUBANS, discovery and early history			
		Boston	1844
CONCORD and Boscowan in New Hampshire, annals of			
	the towns of. Presented by George H. Moore,		
	Jacob H. Moore	Concord	1824
CONNECTICUT, historical collections of. John			
	W. Barben	New Hampshire	1836
"	History of. 2 vols. Benjamin Trumbull		
		New Haven	1818

CONNECTICUT, history of.	Dwight	New York	
DISCOVERIES ON Northern Coast of America.	P. F. Tyler	New York	1846
FLORIDA TERRITORY, history of.	John Lee Williams	New York	1837
FLORIDA WAR, history of the.	J. T. Sprague	New York	1848
GRAYDON'S MEMOIRS of his own times.	J. S. Litell	Philadelphia	1846
GREENLAND, history of.	From the German of D. Crautz	London	1820
"	2 vols. conversations about.	New York	
GEORGIA, history of.	2 vols.	Savannah	1811
HALF CENTURY, between 1800 and 1850.	E. Davis	Boston	1851
ILLINOIS to the Present Time, history of.	Henry Brown	New York	1844
INDEPENDENCE, history of the war of the.	2 vols. C. Botta	New Haven	1834
"	war of.	New York	1850
INDIANS, history of the.	S. G. Goodrich	Philadelphia	1846
"	North American, mental characteristics of.	New York	1839
"	H. R. Schoolcraft	Hartford	1849
"	of North America.	Frost	1848
"	" " " Catlin	London	
"	manners and customs of the.	S. G. Goodrich	Philadelphia
INDIAN TRAITS, 2 vols.	B. Thatcher	New York	1846
KENTUCKY, history of.	2 vols. H. Marshall.	Frankport	1824
LONG ISLAND, history of.	2 vols. B. F. Thompson	New York	1843
LOUISIANA, history of.	2 vols. Barbe Marbois	Philadelphia	1830
"	" " " " Francois Martion	New York	1827
"	" " " " E. Bunner	New York	1846
MEXICO and New Spain, conquest of.	2 vols. John J. Lockart	London	1844
"	conquest of.	3 vols. Wm. H. Prescott	New York
"	historia de la conquista de Solis	New York	1843
"	history of.	2 vols. Translated by C. Cullen	London
MEXICAN WAR, history of	10th ed. G. D. Mansfield	New York	1850
MEXICO, war with, reviewed.	Presented by the author A. Livermore	Boston	1850
MASSACHUSETTS BAY, history of the province of.	Thomas Hutchinson	London	1828
"	history of.	Allen Bradford	Boston
			1822

MASSACHUSETTS BAY, historical collections.	Vols I, IV, V, VI, 3rd Series	Boston	1846
"	bay, continuation of. 2 vols.	George R. Minot	1803
"	conversations about. 2 vols.	New York	
MARYLAND, historical view of.	J. V. L. McMahon	Baltimore	1831
"	history of.	J. L. Bozman	1831
"	history of.	J. McSherry	1849
MAINE, history of 1602 to 1820. 2 vols.	William D. Williamson	Hallowell	1832
MICHIGAN, history of.	J. H. Lanman	New York	
NOVA SCOTIA, Haliburton's historical and statistical account of. 2 vols		Halifax	1829
NEW BRUNSWICK, with notes for emigrants.	A. Gesner	London	1847
NAVY OF THE U.S., history of the. 2 vols.	Fennimore Cooper	Philadelphia	1839
NEW YORK, documentary history of the state of. 2 vols.	D. Callaghan	Albany	1849
NEW NETHERLANDS, and New York, history of. 2 vols.	Wm. Dunlap	New York	1840
NEW JERSEY, history of the state of.	T. F. Gordon	Trenton	1834
NEW YORK, political history of the state of, to Dec. 1840. 2 vols.	J. D. Hammond		1850
"	tales about.	S. G. Goodrich	New York 1836
"	under the Dutch, history of. 2 vols.	E. B. O. Callaghan	New York 1849
"	history of. 2 vols.	Presented by G. H. Moore, Wm. Smith	New York 1829
"	documentary history. 2 vols. (only 1st vol. here)	Christopher Morgan	Presented
	by Regents of N. Y. University	Albany	1850
NEW ENGLAND, history of. 2 vols.	John Winthrop	Boston	1825
NORTH CAROLINA, history of. 2 vols.	Hugh Williamson	Philadelphia	1812
"	history of.	F. X. Martin	New Orleans 1829
NORTH WESTERN TERRITORY, early settlement of.	Jacob Burnet	New York	1847
NEW JERSEY and Pennsylvania, history of.	Thomas Gabriel	London	1698
NEW YORK CITY, annals of. 2 copies.	John F. Watson	Philadelphia	1846
" " "	history of. 2 vols.		
NEW HAMPSHIRE, conversations about.		New York	1847
PERU, conquest of. 2 vols.	W. H. Prescott	New York	1847
PILGRIMS, mathers, journal of the.	Presented by the Dorchester Antiquarian Society	Boston	1850
PENNSYLVANIA, history of the state of, to 1776.	T. F. Gordon	Philadelphia	1829



PENNSYLVANIA, history of.	2 vols.	Robert Proud	Philadelphia	1797
"	and New Jersey, history of.	Thomas Gabriel	London	1698
PHILADELPHIA AND Pennsylvania, annals of.	2 vols.	John F. Watson	Philadelphia	1850
REVOLUTION, American, historical collections of the		R. Hinman	Hartford	1842
"	war of the.	W. C. Watson	Philadelphia	1850
"	campfires of the.	D. Ramsey	Trenton	1811
"	American history of.	Mrs. Ellett	New York	1850
"	domestic history of the.		New York	1801
"	American, history of the.	3rd ed. 3 vols.	New York	1826
"	Wm. Gordon		New York	1819
"	American, tales of the.		New York	1837
SOUTH AMERICA and Mexico, history of.			New York	1819
"	" letters on the United Provinces of.	Platte H. Crosby	New York	1785
SOUTH CAROLINA, history of.	2 vols.	D. Ramsey	Trenton	1837
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TYRON COUNTY During the Revolution, annals of.		W. W. Campbell	Philadelphia	1849
UNITED STATES, history of the,		John Frost	Philadelphia	1850
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"	"	"	New York	1845
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"	"	"	the. 2 vols. John Frost	
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"	"	"	2 vols. J. Howard Hinton	
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UNITED STATES, history of the, thrilling incidents of the wars of the.	Philadelphia	1848
VERMONT, history of. Zadok Thompson	Burlington	1842
VIRGINIA, history from its discovery and settlement.		
2 vols. R. R. Howison	Richmond	1848
" history of.	New York	
WEST INDIES, Southey's Chronological history of the.		
3 vols.	London	1827
WAR BETWEEN U. S. AND MEXICO, history of the.		
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WYOMING, history of. Charles Miner	Philadelphia	1845
WAR OF 1812, notices of the. 2 vols. Armstrong	New York	1840

### EUROPEAN HISTORY

ANGLO SAXONS, history of the. Sharon Turner Paris		1840
ATHENS Its Rise and Fall. 2 vols. E. L. Bulwer	New York	1838
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BRITISH HISTORY, chronologically arranged. 5th ed.		
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" Empire From Charles First, history of. 4 vols.		
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DENMARK, Sweden and Norway, history of. 2 vols.		
Crichton & Wheaton	New York	1850
EUROPE, from 1789 to 1815. 4 vols. Alison	New York	1842
" history of. abridged. Alison	New York	1850
" past and present. Ungewitter	New York	1850
" to the peace of Paris 1763, history of		
modern. 2 vols. Wm. Russell	London	1827
" Revolutions, insurrections and conspiracies		
of. 2 vols. W. C. Taylor	New York	1843
" from 1763, history of modern. Wm. Jones	London	1828
ENGLAND, rebellion and civil wars in. 7 vols.		
Clarendon	Oxford	1839
" conquest of, by the Normans. 3rd ed.		
A. Thierry	London	1840
" constitutional history of. 5th ed.		
H. Allen	New York	1849
" history of. 5 vols. T Keighley	New York	1845
" France and Spain, chronicles of. 2 vols.		
Froisart	London	1849
" history of. Hume & Smollett	New York	1850
" history of. 4 vols. Hume, Smollett & Miller	Philadelphia	1848

ENGLAND, history of. 2 vols. Macaulay	London	1849
" Pinnock's history of, to the year 1845. 2 copies	Philadelphia	1850
" W. C. Taylor	New York	1846
" pictorial history of. 4 vols	London	1742
EMPEROR Charles Fifth, history of the reign of. 7th ed. 4 vols.	Philadelphia	1846
EUROPEAN HISTORY, light and shadows. S. G. Goodrich	Boston	1838
FERDINAND and Isabella, history of. 2nd ed. W. H. Prescott	London	1742
FRENCH REVOLUTION of 1848. A. D. Lamartine	New York	1847
FRANCE, history of. 2 vols. M. Micollet	London	1845
" ten years in history of, from 1830 to 1840. 2 vols. L. Blanc	Philadelphia	1850
" and Normandy, Pinnock's history of. W. C. Taylor	Caesar	1850
GALLIC WAR, commentaries on the. 9th ed.	New York	1838
GERMANY, B Hawkins	London	1848
" history of to the present. F. Kohlraush	Edinburg	1844
GREEK REVOLUTION and Campaigns, history of the. 2nd ed. 2 vols. Gordon	London	1846
GREECE, history of. 4 vols. Grotis	London	1838
" history of. 8 vols. Wm. Mitford	London	1830
" ancient history. 8 vols. John Gillies	New York	1845
" history of. 2 vols. Thirlwall's	Boston	1839
" Keightley's history of. J. P. Smith	Philadelphia	1850
" Pinnock's history. W. C. Taylor	Philadelphia	1844
" tales about modern. S. G. Goodrich	London	1847
GIRONDISTS, history of the. 3 vols. Lamartine	Dublin	1844
IRELAND, ancient and modern history of. P. O. Kelly	New York	1847
" history of. 2 vols. W. C. Taylor	London	1846
" Thomas Moore	New York	1846
ICELAND, GREENLAND, and the Faroe Isles	New York	1847
ITALY, history of. N. Greene	New York	1848
" history of. 3 vols. W. Spaulding	Price	1821
MAHOMMEDAN Empire, history of the. 4 vols.	New York	
MOORS in Spain. M. Florian	New York	
NAPOLEON'S RUSSIAN Expedition, history of. 2 vols. P. D. Segur	New York	1821
PELOPONNESIAN WAR, Thucydide's history of the. 2 vols. Wm. Smith	New York	1846
POLAND, history of the. J. Fletcher	London	1849
PRUSSIA, history of. 3 vols. Ranke	New York	1846
ROME, history of. 2 vols. Arnold		

ROME, history of.	Keightley	Boston	1839
" " "	2 vols. Niebulars	London	1844
" " "	2 vols. Pinnocks	W. C. Taylor Philadelphia	1851
" liberty of, and liberty of ancient nations.	2 vols. Sam Elliott	New York	1849
ROMAN EMPIRE, decline and fall of the.	6 vols. Gibbon	1850	
" commonwealth to the death of Julius Caesar.	history of the. T. Arnold	New York	1846
" Republic, history of the.	J. Michelet	New York	1847
" Republic.	Adam Ferguson		
ROME, tales about ancient.	S. G. Goodrich	Philadelphia	
RUSSIAN EMPIRE, history and present state of.	Wm. Anderson	London	1815
SWEDEN, history of.	2 vols. Mary Howitt	London	1844
SWEDES, history of the.	Eric G. Geigler	London	
SPAIN AND PORTUGAL, to 1814, history of.	M. M. Bush	London	1832
SCOTLAND, history of.	11th ed. 2 vols. Wm. Robertson	London	1787
VENETIAN HISTORY, 2 vols.		New York	1846

### Asiatic and African History

ASIATIC HISTORY, lights and shadows.	S. G. Goodrich	Philadelphia	1846
AFRICAN HISTORY, S. G. Goodrich		Philadelphia	1846
AFRICA, tales about.	S. G. Goodrich	Philadelphia	1845
AUSTRALIA, its history and present condition.	W. Pridden	London	1843
ARABIA, history of.	2 vols. A. Crichton	New York	
BARBARY STATES, history of.	M. Russell	New York	1846
BRITISH INDIA, history of.	3 vols		1846
" " history of.	6 vols. Mills	London	1820
CHINESE History, ancient and modern.	2 vols. Charles Gutzlaff	New York	1834
CHINA, political, commercial and social.	2 vols. R. M. Martin	London	1847
" and India, history of.	Robert Sears		
" Presented by author.		New York	1851
" and India, history of.	Robert Sears		
" Gift and Lettered.		New York	1851
EGYPTIANS, ancient.	5 vols. 3rd ed. Sir G. Wilkinson	London	1841
EGYPT, modern history and condition.	2 vols. W. H. Yates	London	1843
" its history from the earliest times till the conquest by the Arabs.	S. Sharpe	London	1846

EGYPT, ancient and modern.	M. Russell	New York	1846
" " " "	Gliddon	New York	1844
ISLANDS in the Pacific Ocean, tales about.			
	S. G. Goodrich	Philadelphia	1845
JEWS, history of the . 3 vols.	H. H. Millman		
		New York	1843
JAPANESE, manners and customs in the 19th century.		London	1841
" manners and customs in the 19th century.		London	1848
JOSEPHUS WORKS, Whiston. Presented by Jonathan			
	Grimshaw	Halifax	1847
MESOPOTAMIA and Assyria,	J. B. Frazer	New York	
NUBIAN ANYSINIA, history of.	M. Russell	New York	
PERSIA, a description of the country, government, laws			
	and religion. F. Shoberl	Philadelphia	1845
" history of.	J. B. Frazer	New York	1845
PITCAIRN ISLAND and its Inhabitants		New York	
PALESTINE, history of.	M. Russell	New York	1843
POLYNESIA, history of.	M. Russell	New York	1843
SARACENS, history of. comprising lives of Mohammed.			
	S. Ockley	London	1847

## BIBLIOGRAPHY

### Primary Sources

#### Manuscripts

##### Journal History of the Church of Jesus Christ of Latter-Day Saints.

(This is a day by day account of the history of the Church from its organization April 6, 1830 to the present time. It consists of excerpts from original manuscripts and diaries, plus newspaper clippings of daily events. The looseleaf character of these volumes permits constant additions as new material is uncovered.)

##### Manuscript History of Brigham Young

(These volumes are written in long hand, by the successive secretaries of Brigham Young, and cover the years of his Presidency 1844-1877. Fear of deterioration, through constant handling, has brought about transcriptions of much of the material which is now filed in the Journal History of the Church. This material was indispensable to this thesis.)

Original Letters. (Filed at the Church Historians Office, 47 East South Temple Street, Salt Lake City 1, Utah. Among the thousands of original documents and letters on file, there were many letters to and from Dr. Bernhisel. It was the authors privilege to have access to this vital source.)

#### Federal Documents

##### Congressional Globe.

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